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COMMITTEE ON ECONOMIC, SOCIAL AND CULTURAL RIGHTS

REPORT ON THE TWENTY-EIGHTH AND TWENTY-NINTH SESSIONS

(29 April-17 May 2002, 11-29 November 2002)

ECONOMIC AND SOCIAL COUNCIL

OFFICIAL RECORDS, 2003

SUPPLEMENT No. 2

UNITED NATIONS
New York and Geneva, 2003

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ABBREVIATIONS

AIDS	Acquired immune deficiency syndrome
FAO	Food and Agriculture Organization of the United Nations
GDP	Gross domestic product
GNP	Gross national product
HIV	Human immunodeficiency virus
IFAD	International Fund for Agricultural Development
ILO	International Labour Organization
IMF	International Monetary Fund
UNAIDS	Joint United Nations Programme on HIV/AIDS
UNCTAD	United Nations Conference on Trade and Development
UNDP	United Nations Development Programme
UNEP	United Nations Environment Programme
UNESCO	United Nations Educational, Scientific and Cultural Organization
UNFPA	United Nations Population Fund
UN-Habitat	United Nations Human Settlements Programme
UNHCR	Office of the United Nations High Commissioner for Refugees
UNICEF	United Nations Children's Fund
WHO	World Health Organization
WIPO	World Intellectual Property Organization
World Bank	International Bank for Reconstruction and Development
WTO	World Trade Organization

CHAPTER I

Organizational and other matters

A. States parties to the Covenant

1. As at 29 November 2002, the closing date of the twenty-ninth session of the Committee on Economic, Social and Cultural Rights, 146 States had ratified or acceded to the International Covenant on Economic, Social and Cultural Rights, which was adopted by the General Assembly in resolution 2200 A (XXI) of 16 December 1966 and opened for signature and ratification in New York on 19 December 1966. The Covenant entered into force on 3 January 1976 in accordance with the provisions of its article 27. A list of States parties to the Covenant and the status of submission of their reports is contained in annex I to the present report.

B. Sessions and agenda

2. The Committee, at its twelfth session, requested the Economic and Social Council to authorize the holding of two annual sessions of the Committee, in May and November-December, each of three weeks' duration, in addition to a pre-sessional working group of five members to meet for five days immediately after each session to prepare the list of issues for consideration at the subsequent session. The Council, by its resolution 1995/39 of 25 July 1995, endorsed the Committee's recommendation.

3. At its twentieth session, held in Geneva from 26 April to 14 May 1999, the Committee, in response to Economic and Social Council decision 1998/293, reconsidered its requests from the sixteenth session in 1996 (extraordinary additional session, holding of the nineteenth session of the Committee in New York, payment of honoraria to members of the Committee, extraordinary session of the pre-sessional working group).[1] After careful discussion, the Committee resolved to proceed further with only one request, to which it accords highest priority, namely the Committee decided to invite the Council to approve an additional regular session to be held in New York.

4. The Economic and Social Council, having considered at its substantive session of 1999 the recommendation made by the Committee, adopted on 30 July 1999 decision 1999/287, consequently approved by General Assembly resolution 54/251 (Part IV) of 23 December 1999, concerning additional extraordinary sessions of the Committee. By this decision, the Council, concerned that existing meeting arrangements for the Committee no longer permitted it to fully discharge its responsibilities under the Covenant and Council resolution 1985/17 in an efficient and timely manner, approved the holding of two additional three-week extraordinary sessions of the Committee, as well as corresponding pre-sessional meetings of the working group of one week's duration during 2000 and 2001, respectively. The Council also requested that those

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[1] See *Official Records of the Economic and Social Council, 1998, Supplement No. 2* (E/1998/22-E/C.12/1997/10), chap. I, draft decisions I to IV.

sessions be entirely used for the consideration of reports of the States parties in order to reduce the backlog of reports, and requested the Committee to consider ways and means to improve the efficiency of its working methods and to report to the Council in 2001 on the actions taken in this regard.

5. At its twenty-fifth session, in response to the Economic and Social Council request, the Committee discussed ways and means to improve the efficiency of its working methods and submitted its conclusions to the Council at its substantive session in 2001.[2]

6. Two extraordinary sessions held by the Committee in 2000 and 2001 allowed it to clear up the backlog of reports pending consideration and, as from 2002, the Committee reverted to its original two sessions per year programme of work.

7. Accordingly, in 2002, the Committee held its twenty-eighth session from 29 April to 17 May, and its twenty-ninth session from 11 to 29 November. Both sessions were held at the United Nations Office at Geneva. The agenda for each session is shown in annex III to the present report.

8. An account of the Committee's deliberations at its twenty-eighth and twenty-ninth sessions is contained in the relevant summary records (E/C.12/2002/SR.1-27/Add.1 and E/C.12/2002/SR.28-56, respectively).

C. Membership and attendance

9. All members of the Committee except Ms. Rocío Barahona-Riera and Mr. Kenneth Osborne Rattray, attended the twenty-eighth session. (For a list of members of the Committee, see annex II below.) All members of the Committee attended the twenty-ninth session.

10. The following specialized agencies and United Nations organs were represented by observers at the twenty-eighth session: FAO, ILO, IMF, UNAIDS, UNCTAD, UNDP, UNFPA, UNEP, UNESCO, UNHCR, UNICEF, WHO, WIPO, World Bank and WTO; and at the twenty-ninth session: ILO, UNESCO, UNFPA, UNHCR, WHO, WIPO, World Bank and WTO.

11. The following non-governmental organizations in consultative status with the Economic and Social Council were represented by observers:

At the twenty-eighth session:

Special consultative status: American Association of Jurists, Center for Economic and Social Rights, European Roma Rights Centre, Habitat International Coalition, Inclusion International, International Commission of Jurists, International Federation of Human Rights Leagues, International League for the Rights and Liberation of Peoples, International Organization for the Development of Freedom of

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[2] See *Official Records of the Economic and Social Council, 2002, Supplement No. 2* (E/2002/22-E/C.12/2001/17), chap. VI, para. 1016 et seq.

Education, Latin American Committee for the Defence of Women's Rights, Oxfam GB, Physicians for Human Rights, Rehab Group, Rights and Democracy, World Organization Against Torture;

Roster: American Association for the Advancement of Science, FIAN - Foodfirst Information and Action Network.

At the twenty-ninth session:

Special consultative status: Center for Reproductive Law and Policy, Centre on Housing Rights and Evictions, Habitat International Coalition, Inclusion International, International Association of Democratic Lawyers, International Commission of Jurists, International Federation of Human Rights Leagues, International Federation Terre des Hommes, International Organization for the Development of Freedom of Education, International Service for Human Rights, Japan Federation of Bar Associations, Shimin Gaikou Centre, Women's International League for Peace and Freedom, World Organization Against Torture;

Roster: American Association for the Advancement of Science, FIAN - Foodfirst Information and Action Network.

12. The following national and international non-governmental organizations were represented by observers at the twenty-eighth and twenty-ninth sessions: Association of Korean Human Rights in Japan (Japan), Association to Protect Utoro (Japan), Buraku Liberation and Human Rights Research Institute (Japan), Catholic Diocese of Hong Kong, Centre for Legal and Social Studies (Argentina), Centre for Equality Rights in Accommodation (Canada), Contextos Latinoamericanos para la Promoción de los Derechos Económicos, Sociales y Culturales (Switzerland), Council for Social Welfare (Ireland), Eötvös Loránd University (Hungary), Forum for the Improvement of the Living Conditions of Old People in Need of Nursing Care in Germany, Forum of People with Disabilities (Ireland), Hong Kong Human Rights Commission, Hong Kong Human Rights Monitor, Human Rights Information and Documentation Centre (Georgia), Institution of Public Health Engineers (India), International Anti-Poverty Law Center (United States of America), International Network for Economic, Social and Cultural Rights (United States of America), International Women's Rights Action Watch (United States of America), Irish Commission for Justice and Peace (Ireland), Japanese Workers' Committee for Human Rights (Japan), Justice (Hong Kong Section of the International Commission of Jurists), National Congress of Catholic Secondary Schools Parents Associations (Ireland), Netherlands Institute of Human Rights, Non-governmental Organizations Committee for Reporting on the International Covenant on Economic, Social and Cultural Rights (Japan), Northern Ireland Human Rights Commission, Refugee Project of the Irish Bishops' Conference (Ireland), St. Joseph's Association for the Mentally Handicapped (Ireland), Women's Economic Equality Project.

D. Pre-sessional working group

13. The Economic and Social Council, in its resolution 1988/4 of 24 May 1988, authorized the establishment of a pre-sessional working group composed of five members to be appointed by the Chairperson to meet for up to one week prior to each session. By decision 1990/252 of 25 May 1990, the Council authorized the meetings of the working group to be held one to three months prior to a session of the Committee.

14. The Chairperson of the Committee, in consultation with the members of the Bureau, designated the following individuals as members of the pre-sessional working group to meet:

Prior to the thirtieth session:

Mr. Yuri KOLOSOV
Mr. Ariranga PILLAY
Mr. Eibe RIEDEL
Mr. Waleed M. SADI
Mr. Javier WIMER ZAMBRANO

Prior to the thirty-first session:

Ms. Virginia BONOAN-DANDAN
Mr. Dumitru CEAUSU
Mr. Abdessatar GRISSA
Mr. Jaime MARCHÁN ROMERO
Mr. Philippe TEXIER

15. The pre-sessional working group held its meetings at the United Nations Office at Geneva from 2 to 6 December 2002. All members of the working group attended its meetings. The working group identified issues that might most usefully be discussed with the representatives of the reporting States and lists of such questions were transmitted to the permanent missions of the States concerned. The pre-sessional working group designated for the thirty-first session will hold its meetings from 16 to 30 May 2003.

E. Officers of the Committee

16. The following members of the Committee, elected for a term of two years in accordance with rule 14 of the Committee's rules of procedure, continued to serve as members of the Committee's Bureau:

Chairperson:	Ms. Virginia BONOAN-DANDAN
Vice-Chairpersons:	Mr. Clément ATANGANA Mr. Dumitru CEAUSU Mr. Eibe RIEDEL
Rapporteur:	Mr. Paul HUNT

F. Organization of work

Twenty-eighth session

17. The Committee considered its organization of work at its 1st meeting on 29 April 2002. In connection with this item, the Committee had before it the following documents:

(*a*) Draft programme of work for the twenty-eighth session, prepared by the Secretary-General in consultation with the Chairperson of the Committee;

(*b*) Reports of the Committee on the work of its previous sessions:* first (E/1987/28-E/C.12/1987/5), second (E/1988/14-E/C.12/1988/4), third (E/1989/22-E/C.12/1989/5), fourth (E/1990/23-E/C.12/1990/3 and Corr.1), fifth (E/1991/23-E/C.12/1990/8 and Corr.1), sixth (E/1992/23-E/C.12/1991/4 and Add.1), seventh (E/1993/22-E/C.12/1992/2), eighth and ninth (E/1994/23-E/C.12/1993/19), tenth and eleventh (E/1995/22-E/C.12/1994/20 and Corr.1), twelfth and thirteenth (E/1996/22-E/C.12/1995/18), fourteenth and fifteenth (E/1997/22-E/C.12/1996/6), sixteenth and seventeenth (E/1998/22-E/C.12/1997/10), eighteenth and nineteenth (E/1999/22-E/C.12/1998/26), twentieth and twenty-first (E/2000/22-E/C.12/1999/11 and Corr.1), twenty-second, twenty-third and twenty-fourth sessions (E/2001/22-E/C.12/2000/21) and twenty-fifth, twenty-sixth and twenty-seventh sessions (E/2002/22-E/C.12/2001/17).

18. In accordance with rule 8 of its rules of procedure, the Committee, at the same meeting, considered the draft programme of work for its twenty-eighth session and approved it, as amended during consideration (E/C.12/2002/L.1/Rev.1).

Twenty-ninth session

19. The Committee considered its organization of work at its 28th meeting on 11 November 2002. In connection with this item, the Committee had before it the following documents:

(*a*) Draft programme of work for the twenty-ninth session, prepared by the Secretary-General in consultation with the Chairperson of the Committee;

(*b*) Reports of the Committee on the work of its previous sessions (see para. 17 (*b*) above).

20. In accordance with rule 8 of its rules of procedure, the Committee, at the same meeting, considered the draft programme of work for its twenty-ninth session and approved it, as amended during consideration (E/C.12/2002/L.2/Rev.1).

21. The Committee, at its 1st meeting, on 29 April 2002, confirmed its decision to consider the reports of the following States parties at its twenty-ninth session:

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* Published as *Official Records of the Economic and Social Council.*

Initial reports

Slovakia	E/1990/5/Add.49
Solomon Islands	E/1990/5/Add.50
Estonia	E/1990/5/Add.51

Second periodic reports

Georgia	E/1990/6/Add.31

Fourth periodic reports

Poland	E/C.12/4/Add.9

22. At its 28th meeting, the Committee, noting that Greece had submitted its initial report, decided to reconsider its decision to review, at its twenty-ninth session, the implementation of the provisions of the Covenant in Greece, which had not submitted any report at all since its ratification of the Covenant in 1985, on the basis of any information that might have been available to the Committee.

G. Next sessions

23. In accordance with the established schedule, the thirtieth and thirty-first sessions would take place from 5 to 23 May and from 10 to 28 November 2003, respectively.

H. States parties' reports scheduled for consideration by the Committee at its upcoming sessions

24. At its 28th meeting, on 11 November 2002, the Committee decided to consider the reports of the following States parties at its thirtieth session:

Initial reports

Brazil	E/1990/5/Add.53

Second periodic reports

Israel	E/1990/6/Add.32
New Zealand	E/1990/6/Add.33

Third periodic reports

Luxembourg	E/1994/104/Add.24
Iceland	E/1994/104/Add.25

CHAPTER II

Overview of the present working methods of the Committee

25. This chapter of the Committee's report aims at providing a concise and up-to-date overview and explanation of the ways in which the Committee carries out its various functions. It is designed to make the Committee's current practice more transparent and readily accessible so as to assist States parties and others interested in the implementation of the Covenant.

26. Since its first session, in 1987, the Committee has made a concerted effort to devise appropriate working methods which adequately reflect the nature of the tasks with which it has been entrusted. In the course of its 29 sessions it has sought to modify and develop these methods in the light of its experience. These methods will continue to evolve.

A. General guidelines for reporting

27. The Committee attaches major importance to the need to structure the reporting process and the dialogue with each State party's representatives in such a way as to ensure that the issues of principal concern to it are dealt with in a methodical and informative manner. For this purpose, the Committee has adopted detailed reporting guidelines[3] with a view to assisting States in the reporting process and improving the effectiveness of the monitoring system as a whole. The Committee strongly urges all States parties to report to it in accordance with the guidelines to the greatest extent possible. The Committee keeps its guidelines under review and they are updated when appropriate.

B. Examination of States parties' reports

1. Work of the pre-sessional working group

28. A pre-sessional working group meets, for five days, prior to each of the Committee's sessions. It is composed of five members of the Committee nominated by the Chairperson, taking account of the desirability of a balanced geographical distribution and other relevant factors.

29. The principal purpose of the working group is to identify in advance the questions which will constitute the principal focus of the dialogue with the representatives of the reporting States. The aim is to improve the efficiency of the system and to ease the task of States' representatives by facilitating more focused preparations for the discussion.[4]

30. It is generally accepted that the complex nature and diverse range of many of the issues raised in connection with the implementation of the Covenant constitute a strong argument in favour of providing States parties with the possibility of preparing in advance to

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[3] *Official Records of the Economic and Social Council, 1991, Supplement No. 3* (E/1991/23-E/C.12/1990/8), annex IV.

[4] Ibid., *1988, Supplement No. 4* (E/1988/14-E/C.12/1988/4), chap. IV, para. 361.

answer some of the principal questions arising out of their reports. Such an arrangement also enhances the likelihood that the State party will be able to provide precise and detailed information.

31. With regard to its own working methods, the working group, in the interests of efficiency, allocates to each of its members initial responsibility for undertaking a detailed review of a specific number of reports and for putting before the working group a preliminary list of issues. The decision as to how the reports should be allocated for this purpose is based in part on the areas of expertise of the member concerned. Each draft by a country rapporteur is then revised and supplemented on the basis of observations by the other members of the working group and the final version of the list is adopted by the working group as a whole. This procedure applies equally to both initial and periodic reports.

32. In preparation for the pre-sessional working group, the Committee has asked the secretariat to place at the disposal of its members a country profile as well as all pertinent documents containing information relevant to each of the reports to be examined. For this purpose, the Committee invites all concerned individuals, bodies and non-governmental organizations to submit relevant and appropriate documentation to the secretariat. It has also asked the secretariat to ensure that certain types of information are regularly placed in the country files.

33. The lists of issues drawn up by the working group are given directly to a representative of the States concerned, along with a copy of the Committee's most recent report and with a note stating the following:

> "The list is not intended to be exhaustive and it should not be interpreted as limiting or in any other way prejudging the type and range of questions which members of the Committee might wish to ask. However, the Committee believes that the constructive dialogue which it wishes to have with the representatives of the State party is greatly facilitated by making the list available in advance of the Committee's session. In order to improve the dialogue that the Committee seeks, it strongly urges each State party to provide in writing its replies to the list of issues and to do so sufficiently in advance of the session at which its report will be considered to enable the replies to be translated and made available to all members of the Committee."

34. In addition to the task of formulating the lists of issues, the pre-sessional working group is also entrusted with a variety of other tasks designed to facilitate the work of the Committee as a whole. These have included: discussing the most appropriate allocation of time for the consideration of each State report; considering the issue of how best to respond to supplementary reports containing additional information; examining draft general comments; considering how best to structure the day of general discussion; and other relevant matters.

2. Consideration of the report

35. In accordance with the established practice of each of the United Nations human rights treaty monitoring bodies, representatives of the reporting States are entitled to be present, and indeed their presence and participation are necessary, at the meetings of the Committee when their reports are examined in order to ensure a constructive dialogue with the Committee. The following procedure is generally used: the representative of the State party is invited to

introduce the report by making brief introductory comments and introducing any written replies to the list of issues drawn up by the pre-sessional working group. The Committee then considers the report by clusters of articles (usually 1-5, 6-9, 10-12, 13-15), taking particular account of the replies furnished in response to the list of issues. The Chairperson will normally invite questions or comments from Committee members in relation to each issue and then invite the representatives of the State party to reply immediately to questions that do not require further reflection or research. Other questions remaining to be answered are taken up at a subsequent meeting or, if necessary, may be the subject of additional information provided to the Committee in writing. Members of the Committee are free to pursue specific issues in the light of the replies thus provided, although the Committee has urged them not to (*a*) raise issues outside the scope of the Covenant; (*b*) repeat questions already posed or answered; (*c*) add unduly to an already long list on a particular issue; or (*d*) speak more than five minutes in any one intervention. Representatives of relevant specialized agencies and other international bodies may also be invited to contribute at any stage of the dialogue.

36. The final phase of the Committee's examination of the report consists of the drafting and adoption of its concluding observations. For this purpose, the Committee usually sets aside a brief period in closed session, the day after the conclusion of the dialogue, to enable its members to express their preliminary views. The country rapporteur then prepares, with the assistance of the secretariat, a draft set of concluding observations for consideration by the Committee. The agreed structure of the concluding observations is as follows: introduction; positive aspects; factors and difficulties impeding the implementation of the Covenant; principal subjects of concern; and suggestions and recommendations. At a later stage, the Committee then discusses the draft, again in private session, with a view to adopting it by consensus.

37. The concluding observations, once formally adopted, are usually not made public until the final day of the session. As soon as they are made public - at 6 p.m. of the closing day of the session - they are available to all interested parties. They are forwarded as soon as possible to the State party concerned and included in the Committee's report. If it so wishes, the State party may address any of the Committee's concluding observations in the context of any additional information which it provides to the Committee.

38. In general, the Committee devotes three meetings (of three hours each) to its public examination of States parties' reports. In addition, it generally devotes between two and three hours towards the end of the session, in private, to its discussion of each set of concluding observations.

3. Deferrals of the consideration of reports

39. Last-minute requests by States to defer the consideration of a report which has been scheduled for examination at a particular session are extremely disruptive for all concerned and have caused major problems for the Committee in the past. Accordingly, the Committee's long-standing policy is not to grant such requests and to proceed with its consideration of all scheduled reports, even in the absence of a representative of the State party concerned.

C. Follow-up procedure in relation to the consideration of reports

40. At its twenty-first session,[5] the Committee decided that:

(*a*) In all concluding observations, the Committee will request the State party to inform the Committee, in its next periodic report, about steps taken to implement the recommendations in the concluding observations;

(*b*) Where appropriate, the Committee may, in its concluding observations, make a specific request to a State party to provide more information or statistical data at a time prior to the date that the next periodic report is due to be submitted;

(*c*) Where appropriate, the Committee may, in its concluding observations, ask the State party to respond to any pressing specific issue identified in the concluding observations prior to the date that the next report is due to be submitted;

(*d*) Any information provided in accordance with (*b*) and (*c*) above will be considered by the next meeting of the Committee's pre-sessional working group;

(*e*) In general, the working group could recommend one or another of the following responses to the Committee:

(i) That it take note of such information;

(ii) That it adopt specific additional concluding observations in response to that information;

(iii) That the matter be pursued through a request for further information; or

(iv) That the Committee's Chairperson be authorized to inform the State party, in advance of the next session, that the Committee will take up the issue at its next session and that, for that purpose, the participation of a representative of the State party in the work of the Committee would be welcome;

(*f*) If the information requested in accordance with (*b*) and (*c*) is not provided by the specified date, or is patently unsatisfactory, the Chairperson, in consultation with the members of the Bureau, could be authorized to follow up the matter with the State party.

41. In situations in which the Committee considers that it is unable to obtain the information it requires on the basis of the above-mentioned procedures, it may decide to adopt a different approach instead. In particular, the Committee may request that the State party concerned accept a mission consisting of one or two members of the Committee. Such a decision would be taken only after the Committee had satisfied itself that there was no adequate alternative approach available to it and that the information in its possession warranted such an approach. The purposes of such an on-site visit would be: (*a*) to collect the information necessary for the Committee to continue its constructive dialogue with the State party and to enable it to carry out

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[5] On 1 December 1999 (53rd meeting).

its functions in relation to the Covenant; (*b*) to provide a more comprehensive basis upon which the Committee might exercise its functions in relation to articles 22 and 23 of the Covenant concerning technical assistance and advisory services. The Committee would state specifically the issue(s) with respect to which its representative(s) would seek to gather information from all available sources. The representative(s) would also have the task of considering whether the programme of advisory services administered by the Office of the United Nations High Commissioner for Human Rights could be of assistance in connection with the specific issue at hand.

42. At the conclusion of the visit, the representative(s) would report to the Committee. In the light of the report presented by its representative(s), the Committee would then formulate its own conclusions. Those conclusions would relate to the full range of functions carried out by the Committee, including those relating to technical assistance and advisory services.

43. This procedure has already been applied in relation to two States parties and the Committee considers the experience to have been a very positive one in both instances. In a case where the State party concerned did not accept the proposed mission, the Committee would consider making whatever recommendations might be appropriate to the Economic and Social Council.

D. Procedure in response to non-submitted and considerably overdue reports

44. The Committee believes that a situation of persistent non-reporting by States parties risks bringing the entire supervisory procedure into disrepute, thereby undermining one of the foundations of the Covenant.

45. Accordingly, the Committee resolved at its sixth session to begin in due course to consider the situation concerning the implementation of the Covenant in respect of each State party whose reports are very significantly overdue. At its seventh session it resolved to begin scheduling consideration of such reports at its future sessions and to notify the States parties concerned. It began to apply this procedure at its ninth session.

46. The Committee has adopted the following procedure:

(*a*) To select States parties whose reports are very much overdue on the basis of the length of time involved;

(*b*) To notify each such State party that the Committee intends to consider the situation with respect to that country at a specified future session;

(*c*) To move, in the absence of any report, to consider the status of economic, social and cultural rights in the light of all available information;

(*d*) To authorize its Chairperson, in situations where the State party concerned indicates that a report will be provided to the Committee and upon a request from the State party, to defer consideration of the situation for one session.

E. Day of general discussion

47. At each session, the Committee devotes one day, usually the Monday of the third week, to a general discussion of a particular right or of a particular aspect of the Covenant. The purpose is twofold: the day assists the Committee in developing in greater depth its understanding of the relevant issues; and it enables the Committee to encourage inputs into its work from all interested parties. The issues which have been the focus of discussions held to date by the Committee may be found in annex X to the present report.

F. Other consultations

48. The Committee has sought to coordinate its activities with those of other bodies to the greatest extent possible and to draw as widely as it can on available expertise in the fields of its competence. For this purpose, it has consistently invited individuals such as special rapporteurs of the Commission on Human Rights and of the Sub-Commission on the Promotion and Protection of Human Rights, chairpersons of Commission working groups and others to address it and engage in discussions.

49. The Committee has also sought to draw on the expertise of the relevant specialized agencies and United Nations organs, both in its work as a whole and, more particularly, in the context of its general discussions.

50. In addition, the Committee has invited a variety of experts who have a particular interest in, and knowledge of, some of the issues under review to contribute to its discussions. These contributions have added considerably to its understanding of some aspects of the questions arising under the Covenant.

G. Participation of non-governmental organizations in the activities of the Committee

51. In order to ensure that the Committee is as well informed as possible, it provides opportunities for non-governmental organizations to submit relevant information to it.[6] They may do this in writing at any time. The Committee's pre-sessional working group is also open to the submission of information in person or in writing from any non-governmental organizations, provided that it relates to matters on the agenda of the working group. In addition, the Committee sets aside part of the first afternoon at each of its sessions to enable representatives of non-governmental organizations to provide oral information. Such information should: (*a*) focus specifically on the provisions of the International Covenant on Economic, Social and Cultural Rights; (*b*) be of direct relevance to matters under consideration by the Committee; (*c*) be reliable; (*d*) not be abusive. The relevant meeting is open and provided with interpretation and press services, but is not covered by summary records.

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[6] See *Official Records of the Economic and Social Council, 2001, Supplement No. 2* (E/2001/22-E/C.12/2000/21), annex V: "Non-governmental organizations participation in the activities of the Committee on Economic, Social and Cultural Rights".

52. The Committee has requested the secretariat to ensure that any written information formally submitted to it by individuals or non-governmental organizations in relation to the consideration of a specific State party report is made available as soon as possible to the representative of the State concerned. The Committee therefore assumes that if any of this information is referred to during the dialogue with the State party, the latter will already be aware of the information.

H. General comments*

53. In response to an invitation addressed to it by the Economic and Social Council, the Committee decided to begin, as from its third session, the preparation of general comments based on the various articles and provisions of the International Covenant on Economic, Social and Cultural Rights with a view to assisting the States parties in fulfilling their reporting obligations.

54. By the end of its twenty-ninth session, the Committee and the sessional working group of governmental experts, which existed prior to the creation of the Committee had examined 153 initial reports, 71 second periodic reports concerning rights covered by articles 6 to 9, 10 to 12 and 13 to 15 of the Covenant, and 105 comprehensive reports. This work covered a significant number of the States parties to the Covenant, which totalled 146 at the end of the twenty-ninth session. They represented all regions of the world, with different political, legal, socio-economic and cultural systems. Their reports submitted so far have illustrated many of the problems which might arise in implementing the Covenant, although they had not yet provided any complete picture of the global situation with regard to the enjoyment of economic, social and cultural rights.

55. The Committee endeavours, through its general comments, to make the experience gained so far through the examination of States' reports available for the benefit of all States parties in order to assist and promote their further implementation of the Covenant; to draw the attention of the States parties to insufficiencies disclosed by a large number of reports; to suggest improvements in the reporting procedures; and to stimulate the activities of the States parties, international organizations and the specialized agencies concerned in achieving progressively and effectively the full realization of the rights recognized in the Covenant. Whenever necessary, the Committee may, in the light of the experience of States parties and of the conclusions drawn therefrom, revise and update its general comments.

56. At its twenty-first session, the Committee adopted the outline for drafting general comments on specific rights of the Covenant.[7] The Committee agreed that the subject matter of a particular general comment would influence the overall structure of that comment and observed that the outline was not intended to be strictly adhered to. However, the outline provided useful signposts, a checklist of issues, to be considered in the process of drafting a general comment. In this respect, the outline would assist in ensuring consistency in the content, format and ambit of general comments to be adopted by the Committee. The Committee

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* For the list of general comments adopted to date by the Committee, see annex VIII below.

[7] *Official Records of the Economic and Social Council, 2000, Supplement No. 2* (E/2000/22-E/C.12/1999/11 and Corr.1), annex IX.

emphasized the importance of ensuring that general comments are reader-friendly and readily understandable to a broad range of readers, primarily States parties to the Covenant. The outline will assist in ensuring consistency and clarity in the structure of the general comments, thus promoting their accessibility, and strengthening the authoritative interpretation of the Covenant provided by the Committee through its general comments.

I. Statements adopted by the Committee

57. With a view to assisting States parties to the Covenant, the Committee adopts statements to clarify and confirm its position with respect to major international developments and issues that bear upon the implementation of the Covenant. As at 29 November 2002, the Committee had adopted 15 statements, a list of which appears in annex IX to the present report.

CHAPTER III

Submission of reports by States parties under articles 16 and 17 of the Covenant

58. In accordance with rule 58 of its rules of procedure, the Committee, at its 28th meeting on 11 November 2002, considered the status of submission of reports under articles 16 and 17 of the Covenant.

59. In that connection, the Committee had before it the following documents:

(*a*) Note by the Secretary-General on the revised general guidelines regarding the form and contents of reports to be submitted by States parties (E/C.12/1991/1);

(*b*) Note by the Secretary-General on States parties to the Covenant and the status of submission of reports as at 30 June 2002 (E/C.12/2002/10);

(*c*) Note by the secretariat on follow-up to the consideration of reports under articles 16 and 17 of the Covenant (E/C.12/2002/3).

60. The Secretary-General informed the Committee that, in addition to the reports scheduled for consideration by the Committee at its twenty-ninth session (see para. 64 below), he had received, as at 11 November 2002, the reports submitted under articles 16 and 17 of the Covenant by the following States parties:

> Initial report of the Republic of Moldova (E/1990/5/Add.52); third periodic report of Luxembourg (E/1994/104/Add.24); second periodic report of Israel (E/1990/6/Add.32); initial report of Brazil (E/1990/5/Add.53); second periodic report of New Zealand (E/1990/6/Add.33); third periodic report of Iceland (E/1994/104/Add.25); fourth periodic report of the Russian Federation (E/C.12/4/Add.10); initial report of Yemen (E/1990/5/Add.54); second periodic reports of Guatemala (E/1990/6/Add.34) and Democratic People's Republic of Korea (E/1990/6/Add.35); initial report of Lithuania (E/1990/5/Add.55); fourth periodic report of Spain (E/C.12/4/Add.11); initial reports of Greece (E/1990/5/Add.56) and Kuwait (E/1990/5/Add.57); and second periodic report of Ecuador (E/1990/6/Add.36).

61. In accordance with rule 57, paragraph 1, of the Committee's rules of procedure, a list of States parties is contained in annex I to the present report, together with an indication of the status of submission of their reports.

CHAPTER IV

Consideration of reports submitted by States parties under articles 16 and 17 of the Covenant

Twenty-eighth session

62. At its twenty-eighth session, the Committee examined seven reports submitted by five States parties under articles 16 and 17 of the Covenant.

63. The following reports were before the Committee:

Initial reports	
Czech Republic	E/1990/5/Add.47
Benin	E/1990/5/Add.48
Second periodic reports	
Ireland	E/1990/6/Add.29
Trinidad and Tobago	E/1990/6/Add.30
Fourth periodic reports	
United Kingdom of Great Britain and Northern Ireland	E/C.12/4/Add.5, 7 and 8

Twenty-ninth session

64. At its twenty-ninth session, the Committee considered five reports submitted by five States parties under articles 16 and 17 of the Covenant.

65. The following reports were before the Committee:

Initial reports	
Slovakia	E/1990/5/Add.49
Solomon Islands	E/1990/5/Add.50
Estonia	E/1990/5/Add.51
Second periodic reports	
Georgia	E/1990/6/Add.31
Fourth periodic reports	
Poland	E/C.12/4/Add.9

66. In accordance with rule 62 of the Committee's rules of procedure, representatives of all States submitting a report were invited to participate in the meetings of the Committee when their reports were considered. All States parties whose reports were considered by the Committee, with the exception of the Solomon Islands, sent representatives to participate in the consideration of their respective reports. In accordance with a decision adopted by the Committee at its second session, the names and positions of the members of each State party's delegation are listed in annex XI to the present report.

67. At its eighth session, the Committee had decided to discontinue its practice of including in its annual report summaries of the consideration of country reports. In accordance with modified rule 57 of the Committee's rules of procedure, the annual report should contain, inter alia, the concluding observations of the Committee relating to each State party's report. Accordingly, the following paragraphs, arranged on a country-by-country basis according to the sequence followed by the Committee in its consideration of the reports, contain the concluding observations adopted by the Committee with respect to the States parties' reports considered at its twenty-eighth and ninth sessions.

Twenty-eighth session

CZECH REPUBLIC

68. The Committee considered the initial report of the Czech Republic on the implementation of the Covenant (E/1990/5/Add.47) at its 3rd to 5th meetings, held on 30 April and 1 May 2002, and made public, at its 27th meeting, held on 17 May 2002, the following concluding observations.

A. Introduction

69. The Committee welcomes the initial report of the State party, which it found to be comprehensive and generally in conformity with its guidelines for the preparation of reports.

70. The Committee notes with appreciation the extensive written and oral replies given by the State party, as well as the candid and open nature of the constructive dialogue with the delegation. The Committee also welcomes the willingness of the delegation to provide further information in writing concerning the questions that could not be answered during the dialogue.

B. Positive aspects

71. The Committee welcomes the enactment of a number of laws as well as legislative reforms undertaken in the country towards the promotion of economic, social and cultural rights.

72. The Committee welcomes the establishment in 1998 of the Council for Human Rights of the Government and in 1999 of the Office of the Public Defender of Rights.

73. The Committee notes with appreciation the cooperation of non-governmental organizations with the State party in the preparation of the report.

C. Factors and difficulties impeding the implementation of the Covenant

74. The Committee notes that the State party encountered difficulties in implementing the economic, social and cultural rights contained in the Covenant arising from the process of transition to a market-oriented economy.

D. Principal subjects of concern

75. The Committee regrets that the Covenant has not been given full effect in the State party's legal order and that most of the rights contained in the Covenant are not justiciable in the domestic legal order, in particular, the right to adequate housing, which the State party considers as merely a declaratory non-entitlement right.

76. The Committee regrets the absence of a national plan of action for the protection of human rights in accordance with the Vienna Declaration and Programme of Action.[8] Furthermore, the Committee is concerned about the absence of an independent national human rights institution in accordance with the Paris Principles.[9]

77. The Committee is concerned that the inadequacy of the social safety nets during the restructuring and privatization process has negatively affected the enjoyment of economic, social and cultural rights, in particular by the most disadvantaged and marginalized groups.

78. The Committee is concerned about the recent decision of the State party to continue to apply, in violation of its obligations under article 2, paragraph 2, and article 6 of the Covenant, the "lustration" laws.

79. The Committee is deeply concerned about the high level of discrimination against Roma people in the fields of employment, housing and education. In spite of the fact that the State party acknowledges this fact, the administrative and legislative measures undertaken by the State party to improve the socio-economic conditions of the Roma are still insufficient to address the problem. The Committee is also concerned that, despite the affirmative programmes in favour of the Roma undertaken by the State party, no specific legislation has yet been enacted to outlaw discrimination against them.

80. The Committee notes with concern that the State party has not ratified a number of ILO conventions relevant to economic, social and cultural rights.

81. The Committee is alarmed about the increasing rate of unemployment, particularly among women, the Roma and other vulnerable groups.

82. The Committee is concerned that the minimum wage is still not sufficient to provide a decent standard of living for workers and their families.

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[8] Adopted by the World Conference on Human Rights, held in Vienna from 14 to 25 June 1993 (A/CONF.157/24 (Part I), chap. III).

[9] Principles relating to the status of national institutions for the promotion and protection of human rights (see General Assembly resolution 48/134 of 20 December 1993, annex).

83. The Committee notes with concern that there continues to be inequality in wages between men and women, with women earning approximately 75 per cent of men's salaries.

84. The Committee notes with concern that the problem of domestic violence against women is not being sufficiently addressed and about the fact that the Penal Code of the Czech Republic does not contain any specific provision protecting women against domestic violence.

85. The Committee is concerned about the increasing rate of trafficking in women as well as the sexual exploitation of children.

86. The Committee is deeply concerned about the acute shortage of housing and the privatization of some public housing stocks which have resulted in a sharp rise in rents, forced evictions and homelessness.

87. The Committee is also concerned about the inadequacy of measures to ensure a decent life for persons with disabilities, including the mentally ill.

88. The Committee is deeply concerned about the high rate of drugs and tobacco use as well as the high level of alcohol consumption, especially among children and youth.

89. The Committee notes with concern that the incidence of HIV/AIDS is increasing, especially among young people.

90. The Committee is deeply concerned about the over-representation of Roma children in so-called "special schools" which are primarily designed for mentally retarded children, resulting in discrimination, substandard education and the stigma of mental disability.

91. The Committee is concerned about a constant decrease in the budget expenditure allocated to education and the consequences thereof on the enjoyment of the right to education.

E. Suggestions and recommendations

92. The Committee urges the State party to take appropriate steps to give full effect to the Covenant in its legal system, so that the rights covered by it may be directly invoked before the courts.

93. The Committee strongly recommends that the State party adopt a national plan of action for human rights and within this framework the creation of a national human rights institution, to deal with the protection and promotion of all human rights, including economic, social and cultural rights.

94. The Committee strongly recommends to the State party to integrate the provisions of the Covenant into its privatization programmes and provide for social safety nets in carrying them out.

95. The Committee urges the State party to repeal the "lustration" laws.

96. The Committee urges the State party, in line with "The concept of Roma integration", approved by the Government on 23 January 2002, to take all necessary measures, legislative or otherwise, to eliminate discrimination against groups of minorities, in particular Roma.

97. The Committee recommends that the State party take into account the relevant parts of the Durban Declaration and Programme of Action[10] when implementing the Covenant in the domestic legal order, in particular in respect of article 2, paragraph 2, of the Covenant and that it include in its next periodic report information on action plans or other measures it has taken to implement the Durban Declaration and Programme of Action at the national level.

98. The Committee encourages the State party to provide statistical data in its second periodic report, in particular on the enjoyment of economic, social and cultural rights by women, Roma and people with disabilities.

99. The Committee recommends that the State party ratify, in particular, ILO Conventions No. 2 (1919) concerning unemployment, No. 81 (1947) concerning labour inspection in commerce and industry, No. 117 (1962) concerning basic aims and standards of social policy, No. 118 (1962) concerning equality of treatment of nationals and non-nationals in social security, No. 138 (1973) concerning the minimum age for employment, No. 174 (1993) concerning prevention of major industrial accidents and No. 182 (1999) concerning the prohibition and immediate action for the elimination of the worst forms of child labour.

100. The Committee calls upon the State party to take effective action to reduce the unemployment rate, in particular among Roma people, women and other vulnerable groups.

101. The Committee urges the State party to re-examine on a periodic basis the level of minimum wages in order to secure a decent standard of living for all workers and their families.

102. The Committee urges the State party to intensify its efforts to address the gender inequality and to take the effective measures, legislative or otherwise to ensure that women enjoy full and equal participation in the labour market, particularly in terms of equal pay for work of equal value.

103. The Committee calls upon the State party to enact specific legislation on domestic violence.

104. The Committee urges the State party to adopt effective measures against the trafficking in women as well as the sexual exploitation of children.

105. The Committee urges the State party to take effective measures to address the problems of: (*a*) the housing shortage by adopting housing programmes, especially for the disadvantaged and marginalized groups; (*b*) forced evictions and homelessness by respecting the Committee's General Comments No. 4 (1991) on the right to adequate housing (art. 11, para. 1, of the Covenant) and No. 7 (1997) on forced evictions and devising a comprehensive plan to combat homelessness.

106. The Committee encourages the State party to adopt a comprehensive National Health Strategy.

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[10] Adopted by the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance, held in Durban, South Africa, from 31 August to 8 September 2001 (A/CONF.189/12, chap. I).

107. The Committee recommends that the State party adopt effective measures to ensure more appropriate living conditions for persons with disabilities. The Committee requests the State party to report in its second periodic report on the laws and measures adopted by the State party with regard to people with disabilities, including the mentally ill, in particular on the number hospitalized, the facilities made available to them and the legal safeguards put into effect for the protection of patients.

108. The Committee calls upon the State party to adopt effective measures to reduce tobacco smoking, drug abuse and alcohol consumption, especially among children.

109. The Committee recommends that the State party comply with the standards of the *International Guidelines* on HIV/AIDS and human rights.[11]

110. The Committee recommends that the State party consider increasing the budget allocation for education.

111. The Committee urges the State party to take immediate and effective measures to eliminate discrimination against Roma children by removing them from "special schools" and integrating them into the mainstream of the educational system.

112. The Committee encourages the State party to provide human rights education in schools at all levels and to raise awareness about human rights, in particular economic, social and cultural rights, among State officials and the judiciary.

113. The Committee requests the State party to inform the Committee, in its second periodic report on steps taken to implement its concluding observations. The Committee also encourages the State party to continue involving non-governmental organizations and other members of the civil society in the preparation of its second periodic report.

114. Finally, the Committee requests the State party to submit its second periodic report by 30 June 2007.

IRELAND

115. The Committee considered the second periodic report of Ireland on the implementation of the Covenant (E/1990/6/Add.29) at its 6th and 7th meetings, held on 1 and 2 May 2002, and made public, at its 27th meeting, held on 17 May 2002, the following concluding observations.

A. Introduction

116. The Committee welcomes the submission of the second periodic report of the State party, which was prepared in general conformity with the Committee's guidelines. The Committee

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[11] *HIV/AIDS and Human Rights: International Guidelines. Second International Consultation on HIV/AIDS and Human Rights, Geneva, 23-25 September 1996* (United Nations publication, Sales No. E.98.XIV.1).

expresses its particular appreciation for the inclusion by the State party of a separate chapter on follow-up to the Committee's concluding observations, adopted in 1999, on the State party's initial report.[12]

117. The Committee welcomes the constructive dialogue with the delegation, which included a large number of government officials with expertise on subjects relevant to the provisions of the Covenant.

B. Positive aspects

118. The Committee notes with appreciation the ratification in November 2000 of the European Social Charter (revised in 1996) and the 1995 Additional Protocol to the Charter, as well as the ratification in December 2000 of the International Convention on the Elimination of All Forms of Racial Discrimination.

119. The Committee notes with appreciation the establishment in October 1999 of the Equality Authority, under the Employment Equality Act (1998), and the entry into force of the Equal Status Act in October 2000.

120. The Committee commends the State party for establishing the Human Rights Commission under the Human Rights Commission Act (2000 and 2001).

121. The Committee also commends the State party for the legislative measures taken to combat domestic violence and to eradicate corporal punishment in schools.

122. The Committee notes with appreciation the continuing decline in the unemployment rate since the consideration of the State party's initial report, i.e. down from 6 per cent in 1999 to 4.3 per cent in 2001, and in particular the considerable decline in the long-term unemployment rate from over 9 per cent in 1996 to 1.2 per cent in 2001.

123. The Committee welcomes the introduction of a minimum wage in April 2000.

124. The Committee also welcomes the State party's revised National Anti-Poverty Strategy as set out in the report entitled "Building an inclusive society" of February 2002.

C. Factors and difficulties impeding the implementation of the Covenant

125. The Committee notes the favourable economic conditions prevailing in the State party and observes no insurmountable factors or difficulties preventing the State party from effectively implementing the Covenant.

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[12] *Official Records of the Economic and Social Council, 2000, Supplement No. 2* (E/2000/22-E/C.12/1999/11 and Corr.1), chap. V, paras. 123-152.

D. Principal subjects of concern

126. The Committee notes with regret that, despite its previous recommendation in 1999,[12] no steps have been taken to incorporate or reflect the Covenant in domestic legislation, and that the State party could not provide information on case law in which the Covenant and its rights were invoked before the courts.

127. The Committee is concerned that the Human Rights Commission, established by the State party through the Human Rights Commission Act (2000), is not yet operational.

128. The Committee regrets that the Disability Bill does not adopt a human rights-based approach, as recommended in its previous concluding observations. Moreover, the Committee regrets that section 47 of the Disability Bill contains a clause removing the rights of people with disabilities to seek judicial redress if any of the Bill's provisions are not carried out.

129. The Committee is concerned about the persistence of discrimination against persons with physical and mental disabilities, especially in the fields of employment, social security benefits, education and health. The Committee is particularly concerned that people with disabilities, including those working in sheltered workshops, do not have the status of employees and therefore do not qualify for the minimum wage arrangements; if, however, they do benefit from minimum wage arrangements, they are liable to lose their rights to free medical care.

130. The Committee regrets that the State party has not yet undertaken any measures with regard to the Committee's 1999 observation concerning the inconsistency of article 40.1 of the Constitution on equality before the law with the principle of non-discrimination as set out in articles 2 and 3 of the Covenant.

131. The Committee is concerned about the inadequacy of the minimum wage and welfare payment levels set by the State party in relation to its obligations under articles 7, 9 and 11 of the Covenant.

132. The Committee is concerned about the continued impediments imposed by the State party with respect to trade unions obtaining collective bargaining licences and the possible risk of dismissal for members of non-authorized trade unions in the event of strike action, despite the Committee's observation in 1999.[13]

133. The Committee is concerned that the State party, despite the Committee's recommendation in 1999,[14] has still not adopted a human rights-based approach to the revised National Anti-Poverty Strategy.

134. The Committee is concerned that: (*a*) many new households cannot secure adequate and affordable housing; and (*b*) some 1,200 families of the traveller community are living in roadside encampments without access to water and adequate sanitary facilities, and are liable to be forcibly evicted.

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[13] Ibid., para. 141.

[14] Ibid., para. 134.

135. The Committee is concerned that a large number of persons with mental disabilities whose state of health would allow them to live in the community are still accommodated in psychiatric hospitals together with persons suffering from psychiatric illnesses or problems, despite efforts by the State party to transfer them to more appropriate care settings.

136. The Committee notes with regret that a human rights framework encompassing, inter alia, the principles of non-discrimination and equal access to health facilities and services, as outlined in paragraphs 53 and 54 of the Committee's general comment no. 14 (2000) on the right to the highest attainable standard of health (art. 12 of the Covenant), was not embodied in the recently published Health Strategy. The Committee also regrets the State party's failure to introduce a common waiting list for treatment in publicly funded hospital services for publicly and privately insured patients.

E. Suggestions and recommendations

137. Affirming that all economic, social and cultural rights are justiciable, the Committee reiterates the recommendation made in 1999[15] and strongly recommends that the State party incorporate economic, social and cultural rights in the proposed amendment to the Constitution, as well as in other domestic legislation. The Committee points out that, irrespective of the system through which international law is incorporated in the domestic legal order (monism or dualism), following ratification of an international instrument, the State party is under an obligation to comply with it and to give it full effect in the domestic legal order. In this respect, the Committee would like to draw the attention of the State party to its general comment no. 9 (1998) on domestic application of the Covenant.

138. The Committee requests the State party to describe in its next periodic report the initiatives undertaken by the Human Rights Commission to promote economic, social and cultural rights.

139. The Committee strongly recommends that the State party adopt a human rights-based approach in the Disability Bill. In particular, the Committee recommends that the clause in section 47 of the Disability Bill, which purports to deny people with disabilities the right to judicial redress, be removed.

140. The Committee recommends that the State party conduct and complete as soon as possible a thorough review of the sheltered workshops for the disabled and consider adopting measures, legislative or otherwise, allowing people with disabilities to work with full employment status and to retain the right to free medical care.

141. The Committee also recommends that the All-Party Oireachtas Committee urgently consider amending article 40.1 of the Constitution on equality before the law, in the light of the principle of non-discrimination as set out in article 2, paragraph 2, and article 3 of the Covenant.

142. The Committee urges the State party to reconsider its methods of fixing the minimum wage and welfare payment levels so as to ensure they conform to the State party's obligations under articles 7, 9 and 11 of the Covenant.

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[15] Ibid., para. 144.

143. The Committee recommends that the State party adequately protect in law and practice trade unions' rights to conduct collective bargaining.

144. Noting that a review of the 1996 Domestic Violence Act was undertaken in 1999, the Committee requests the State party to explain, in its next periodic report, the measures it has introduced in response to the review's recommendations including, but not confined to, the recommendation to develop a domestic violence pilot intervention project.

145. The Committee urges the State party: (*a*) to ensure that the Combat Poverty Agency is well-resourced and able to fulfil, in an effective manner, its statutory advisory functions; (*b*) to give proper attention to the research and recommendations of the Agency; and (*c*) to integrate human rights into the revised National Anti-Poverty Strategy, in accordance with the Committee's Statement on poverty and the International Covenant on Economic, Social and Cultural Rights.[16] In this regard, the Committee reaffirms the State party's obligation to make the Covenant rights enforceable in domestic legislation and confirms that, whether or not the State party takes this step, it still has a legal obligation to integrate economic, social and cultural rights into the National Strategy.

146. The Committee also urges the State party to accelerate its social housing programmes in order to reduce the waiting time for social housing. Moreover, the State party should enhance its efforts: (*a*) to provide, as early as possible, alternative accommodation for the 1,200 traveller families who are living in roadside encampments without adequate facilities and to respect the Committee's General Comments No. 4 (1991) on the right to adequate housing (art. 11, para. 1, of the Covenant) and No. 7 (1997) on forced evictions; and (*b*) to meet its target of providing all necessary traveller accommodation by 2004.

147. The Committee requests the State party to provide in its next periodic report up-to-date and accurate information, including statistical data, on measures taken to provide adequate accommodation to traveller families.

148. The Committee reiterates the recommendation it made in 1999 that the State party speed up the process of transferring persons with mental disabilities who are not suffering from serious psychiatric illness and who are still living in psychiatric hospitals, to more appropriate care settings.

149. The Committee recommends that the State party review the recently published National Health Strategy with a view to embracing a human rights framework in that strategy, in line with the principles of non-discrimination and equal access to health facilities and services, as outlined in paragraphs 53 and 54 of the Committee's general comment no. 14 (2000). The Committee furthermore urges the State party to introduce a common waiting list for treatment in publicly funded hospitals for privately and publicly insured patients.

150. The Committee urges the State party to enact legislation that extends the constitutional right to free primary education to all adults with special educational needs.

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[16] Ibid., *2002, Supplement No. 2* (E/2002/22-E/C.12/2001/17), annex VII.

151. The Committee encourages the State party, as a member of international organizations, including international financial institutions such as IMF and the World Bank, to do all it can to ensure that the policies and decisions of those organizations are in conformity with the obligations of States parties under the Covenant, in particular the obligations concerning international assistance and cooperation contained in article 2, paragraph 1, and articles 11, 15, 22 and 23.

152. The Committee urges the State party to ensure that its contribution to international development cooperation reaches 0.45 per cent of GNP[17] by the end of 2002 and that this annual figure increase, as quickly as possible, to the United Nations target of 0.7 per cent of GNP.

153. The Committee requests the State party to disseminate the present concluding observations widely at all levels of society, and in particular among State officials and the judiciary, and, in its next periodic report, to inform the Committee on all steps taken to implement them. It also encourages the State party to continue to involve non-governmental organizations and other members of civil society in the preparation of its third periodic report.

154. Finally, the Committee requests the State party to submit its third periodic report by 30 June 2007 and to include in that report detailed information on the steps it has undertaken to implement the Committee's recommendations contained in the present concluding observations.

BENIN

155. The Committee considered the initial report of Benin on its implementation of the Covenant (E/1990/5/Add.48) at its 8th to 10th meetings, held on 2 and 3 May 2002, and made public at its 27th meeting, held on 17 May 2002, the following concluding observations.

A. Introduction

156. The Committee welcomes the initial report of the State party, which broadly follows its guidelines, and the State party's written replies to the list of issues (E/C.12/Q/BEN/1).

157. The Committee notes with satisfaction that it has embarked on an open and constructive dialogue with the State party's delegation. It regrets, however, that some of the written replies to the list of issues were incomplete, fragmentary or missing and that those given orally during the dialogue were often vague and general.

158. The Committee notes the delegation's promise that more specific information on a variety of economic, social and cultural indicators will be given in the State party's second periodic report.

B. Positive aspects

159. The Committee welcomes the fact that the Constitution adopted in 1990 contains a section devoted to human rights, including certain economic, social and cultural rights.

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[17] Ibid., *2000, Supplement No. 2* (E/2000/22-E/C.12/1999/11 and Corr.1), chap. V, para. 149.

160. The Committee welcomes the proposal by the head of the State party's delegation that the Committee should send a delegation to the country to take stock of the situation there, the steps taken to give effect to the Covenant and the areas where progress needs to be made, possibly in cooperation with United Nations specialized agencies.

C. Factors and difficulties impeding the implementation of the Covenant

161. The Committee notes the difficult economic situation that persists in the State party, being due in part to its relatively undiversified economic structure, the effects of the structural adjustment programmes it has followed since 1989 and its foreign debts.

162. The Committee notes that the prevalence of certain traditions, customs and cultural practices, including those set down in the 1931 Dahomey Code of Customary Law, leads to substantial discrimination against women and girls and prevents them from fully exercising their rights under the Covenant.

D. Principal subjects of concern

163. The Committee is concerned at the fact that, although the 1990 Constitution guarantees certain economic, social and cultural rights, no specific law, apart from the Labour Code of 1998, has been adopted to give effect to the rights guaranteed by the Covenant.

164. The Committee is concerned at the serious problem of poverty facing the State party. Despite positive economic growth since 1995, a large proportion of the population is living below the poverty line.

165. The Committee is concerned that, although the Constitution says that men and women have equal rights (art. 26), women continue to face widespread discrimination, especially where access to employment, land and credit and inheritance rights are concerned.

166. The Committee deplores the inadequate action taken by the State party to combat the persistent practice of female genital mutilation, generally of young women and girls.

167. The Committee deplores the State party's lack of progress in countering practices - in particular, polygamy and the early and forced marriage of girls - which prevent women and girls from exercising the rights which the Covenant accords them.

168. The Committee is concerned at the high unemployment rate in the State party, which especially affects young people, and the dismissals resulting from the privatization or liquidation of a number of national enterprises.

169. The Committee regrets that the minimum wage set by the State party is too little to provide workers and their families with a decent living.

170. The Committee is concerned at the continuing restrictions on the right to strike, particularly those imposed by Ordinance No. 69-14 of 19 June 1969 concerning the exercise of the right to strike.

171. The Committee is particularly concerned at the fact that 80 per cent of workers work in the informal sector, and are therefore not registered and not covered by social security.

172. The Committee is deeply concerned at the practice of *vidomegon* - the placement of children in domestic service in families where they all too often suffer abuse, violence and exploitation. It is also very concerned about the trafficking in children, both within the country and with other States in the region.

173. The Committee is concerned at the large numbers of children who work, and as a result have no access to education.

174. The Committee is concerned at the large number of street children.

175. The Committee is concerned at the lack of a social policy on housing and the lack of low-cost housing. It notes with grave concern that rents are unaffordably high for a large sector of the population, in particular the disadvantaged and marginalized groups, and that houses are demolished without compensation. The Committee is also concerned at the growing number of persons living in the street and in sub-standard housing in shanty towns lacking all basic services.

176. The Committee notes with concern the disparities in living standards between urban and rural areas, given that people living in rural areas have considerably less access to drinking water, sanitation and electricity and that the privatization of water and electricity are leading to a rise in costs.

177. The Committee is concerned at the inadequate health services and the lack of awareness-raising concerning sexual and reproductive health, as a result of which infant and maternal mortality have not been reduced. It is also concerned at the large number of illegal abortions, which are the principal reason for the high maternal mortality rate in the State party.

178. The Committee is concerned at the lack of hospitals and health clinics and at the growing number of unqualified personnel in the health sector, especially in the rural areas.

179. The Committee is concerned at the persistently high illiteracy rate in the State party, which is higher among women than men. It also notes with concern the cultural preference given in educational matters to male children, as can be seen in the markedly higher primary school enrolment rates for boys than for girls.

180. The Committee is concerned at the fact that primary education is not free of charge and that parents pay direct and indirect school fees.

181. The Committee considers it worrying that the State party is not making enough effort to preserve the diversity of languages in the country, and not taking steps to ensure that some of them do not disappear altogether.

E. Suggestions and recommendations

182. The Committee strongly urges the State party to ensure that the Covenant is fully taken into consideration in the formulation and implementation of all measures relating to economic, social and cultural rights and that, in practical terms, legal proceedings may be brought on the basis of its provisions.

183. The Committee recommends that the State party step up its efforts to reduce the impact of poverty among the population, in particular through more equitable distribution of resources and better access to services for those in need. It also urges the State party to include economic, social and cultural rights in its poverty reduction strategy document.

184. The Committee requests the State party to take more energetic and realistic steps to counter inequality between the sexes and discrimination against women in the State party, both in law and in practice. It urges the State party to adopt swiftly the Family Code that has been under discussion in Parliament since 1995.

185. The Committee enjoins the State party to redouble its efforts to end the practice of genital mutilation, in particular by passing a law that makes the practice a punishable offence, by establishing mechanisms for the protection of women and through programmes of education and financial support for practitioners of excision who cease their activities. The State party is invited to indicate in its second periodic report what progress it has made in this area.

186. The Committee enjoins the State party to ban customary practices that violate women's rights and to take energetic action to combat such practices and beliefs by all available means, including educational programmes involving traditional chiefs. The State party should concentrate more on eradicating the practice of polygamy and forced marriages.

187. The Committee urges the State party to take more effective action to reduce unemployment, especially where it affects young people, and to prevent mass dismissals or ensure that they are accompanied by social support measures.

188. The Committee strongly urges the State party to take appropriate action progressively to raise the minimum wage and thus enable wage-earners to meet their families' essential needs.

189. The Committee strongly urges the State party to repeal Ordinance No. 69-14 of 19 June 1969 concerning the exercise of the right to strike, and recommends that the State party restrict bans on the right to strike to essential services, in conformity with ILO Convention No. 87 (1948) concerning the freedom of association and protection of the right to organize and, in the case of civil servants, to those responsible for keeping order.

190. The Committee recommends that the State party take whatever action is necessary to reduce the proportion of the population working in the informal sector and ensure that the social security system offers workers adequate coverage and minimum pensions.

191. The Committee invites the Government to take all effective legislative, economic and social measures to end the practice of *vidomegon* and to conduct campaigns to alert families, in particular in the poorest parts of the country, to the issue. It urges the State party to step up its efforts to combat trafficking in children, by passing legislation and by entering into agreements with the countries that receive such children.

192. The Committee suggests that the State party should monitor child labour effectively and punish the individuals and business that make use of child labour.

193. The Committee requests the State party to address the problem of street children and to seek to reintegrate street children into society and the school system.

194. The Committee recommends that the State party introduce a consistent public housing scheme, build more low-cost housing for disadvantaged and marginalized people in lower income brackets, arrange for rents for public housing to be regulated and avoid any forced evictions without compensation, and take priority measures for homeless persons and persons living in sub-standard housing in shanty towns, as indicated in the recommendations in its general comments no. 4 (1991) on the right to adequate housing (art. 11, para. 1, of the Covenant) and no. 7 (1997) on forced evictions.

195. The Committee urges the State party to do whatever is necessary to reduce the current disparities between urban and rural areas, by improving access to water, electricity and sanitation in rural areas and ensuring that water and electricity remain affordable.

196. The Committee urges the State party to improve its health services and to undertake programmes on sexual and reproductive education. The Committee invites the State party to address the problem of illegal abortions as a matter of priority.

197. The Committee recommends that the State party establish a global health policy enabling the poorest sectors to have access to free, high-quality primary health care.

198. The Committee recommends that the State party step up efforts to provide girls and boys with equal access to education. It urges the State party to take effective measures to improve the literacy rate, particularly of women.

199. The Committee recommends that the State party undertake, by all available means including technical cooperation, the progressive introduction of free primary education. The Committee appeals to the State party to abide by the provisions of article 14 of the Covenant and to adopt, within two years, a detailed plan of action for the progressive implementation, within a reasonable number of years, to be fixed in the plan, of the principle of compulsory education free of charge for all.

200. The Committee urges the State party to carry out the formulation and adoption of a wide-ranging national plan of education for all, as called for in paragraph 16 of the Dakar Framework for Action adopted at the World Education Forum in April 2000. It is invited to take account, in formulating and carrying out that plan, of the Committee's general comments

no. 11 (1999) on plans of action for primary education (art. 14 of the Covenant) and no. 13 (1999) on the right to education (art. 13 of the Covenant), and to institute an effective follow-up system. It is invited to seek advice and technical assistance from UNESCO in formulating and carrying out its plan.

201. The Committee recommends the State party to embark on a general policy of protecting its linguistic heritage.

202. The Committee requests the State party to publicize these concluding observations widely among all sectors of society, in particular civil servants and members of the judiciary, and to give details in its next periodic report of all it has done to respond to them. It also invites it to involve non-governmental organizations and other members of civil society in the preparation of its second periodic report.

203. Lastly, the Committee requests the State party to submit its second periodic report by 30 June 2007, providing detailed information on the action it has taken in response to the recommendations made in these concluding observations.

UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND, THE CROWN DEPENDENCIES AND THE OVERSEAS DEPENDENT TERRITORIES

204. The Committee considered the fourth periodic reports of the United Kingdom of Great Britain and Northern Ireland, the Crown Dependencies and the Overseas Dependent Territories on the implementation of the Covenant (E/C.12/4/Add.5, 7 and 8) at its 11th to 13th meetings, held on 6 and 7 May 2002 and made public, at its 27th meeting, held on 17 May 2002, the following concluding observations.

A. Introduction

205. The Committee welcomes the fourth periodic reports of the State party, which were prepared in general conformity with the Committee's guidelines.

206. The Committee notes with appreciation the comprehensive written replies given by the State party, as well as the inclusion of representatives of some of the Crown Dependencies and Overseas Dependent Territories in the delegation (Guernsey, Jersey, the Isle of Man, the British Virgin Islands, the Cayman Islands, Bermuda and Montserrat) in the delegation. The Committee welcomes the constructive dialogue with the delegation of the State party, which consisted of government officials with relevant expertise on the provisions of the Covenant. The Committee regrets, however, that in the course of the dialogue, the delegation did not provide more cogent replies to some of the questions posed by members of the Committee.

B. Positive aspects

207. The Committee expresses appreciation for the enactment of the Human Rights Act (1998).

208. The Committee commends the establishment of the Northern Ireland Human Rights Commission under the Northern Ireland Act (1998).

209. The Committee also commends the measures undertaken by the State party since the consideration of its third periodic report,[18] such as the New Deal programmes for employment, the introduction of a national minimum wage in 1999 and measures taken to reduce homelessness, "rough sleeping" and permanent exclusion from schools.

210. The Committee notes with appreciation that the State party has adopted the Care Standards Act (2000), establishing a National Care Standards Commission for England and a Care Standards Inspectorate for Wales, setting national minimum standards for the independent health sector to reflect those in the National Health Service.

211. The Committee welcomes the adoption of new cell standards in prisons, which have led to the reduction of overcrowding in cells by 50 per cent, and the elaboration and provision of numerous educational activities for prisoners.

212. The Committee also welcomes the delegation's statement that the State party is currently in the process of reviewing its reservations to international human rights instruments, with a view to withdrawing those that have been superseded by legislation or practice.

C. Factors and difficulties impeding the implementation of the Covenant

213. In the light of information submitted to it by the State party, the Committee does not find any factors or particular difficulties that impede the full implementation of the Covenant in the United Kingdom of Great Britain and Northern Ireland. In the Overseas Dependent Territories, the limited population and the lack of resources can be considered as factors impeding the enjoyment of economic, social and cultural rights.

D. Principal subjects of concern

214. The Committee deeply regrets that, although the State party has adopted a certain number of laws in the area of economic, social and cultural rights, the Covenant has still not been incorporated in the domestic legal order and that there is no intention by the State party to do so in the near future. The Committee reiterates its concern about the State party's position that the provisions of the Covenant, with minor exceptions, constitute principles and programmatic objectives rather than legal obligations that are justiciable, and that consequently they cannot be given direct legislative effect.[19]

215. The Committee regrets that the State party has not yet prepared a national human rights plan of action as recommended in paragraph 71 of the Vienna Declaration and Programme of Action,[8] and is deeply concerned about the delegation's statement that there is no intention of doing so.

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[18] See *Official Records of the Economic and Social Council, 1998, Supplement No. 2* (E/1998/22-E/C.12/1997/10), chap. V, paras. 284-317.

[19] Ibid., para. 293.

216. The Committee is concerned that human rights education provided in the State party to schoolchildren, the judiciary, prosecutors, government officials, civil servants and other actors responsible for the implementation of the Covenant does not give adequate attention to economic, social and cultural rights.

217. The Committee is concerned about the persistence of de facto discrimination in relation to some marginalized and vulnerable groups in society, especially ethnic minorities and persons with disabilities, in various fields, including employment, housing and education. The Committee regrets the unwillingness of the State party to adopt comprehensive legislation on equality and protection from discrimination, in accordance with article 2, paragraph 2, and article 3 of the Covenant.

218. The Committee is concerned that the national minimum wage is not set at a level that provides all workers with an adequate standard of living in accordance with article 7, paragraph (a) (ii), and article 11 of the Covenant. The Committee is also concerned that the minimum wage protection does not extend to workers under 18 years of age. The Committee considers that the minimum wage scheme is discriminatory on the basis of age, as it affords a smaller proportion of the minimum wage to persons between 18 and 22 years of age.

219. The Committee reiterates its concern that the failure to incorporate the right to strike in domestic law[20] constitutes a breach of article 8 of the Covenant.

220. The Committee is deeply concerned that the incidence of domestic violence has increased in recent years.

221. The Committee reiterates its concern about the persistence of considerable levels of poverty, especially in certain parts of the country, such as Northern Ireland, and among certain sections of the population, such as ethnic minorities, persons with disabilities and older persons. Moreover, despite measures taken by the State party to combat poverty and social exclusion, the gap between the rich and poor in the State party has increased, according to information provided by the State party. The Committee also notes with particular concern the high levels of child poverty among certain groups of society in the State party.

222. The Committee is concerned at the persistence of homelessness, particularly among certain groups of society, such as ethnic minorities. The Committee is further concerned that a large number of the homeless are alcoholics or suffer from mental illnesses.

223. The Committee notes with concern that poor quality housing and "fuel poverty" continue to be a problem for a large number of families and individuals.

224. The Committee is concerned about the high incidence of HIV/AIDS in some of the State party's Caribbean territories. It is particularly concerned about the number of HIV/AIDS cases in the Turks and Caicos Islands and St. Vincent and the Grenadines, and the lack of availability of, and access to, anti-retroviral medication for migrant workers and AIDS orphans.

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[20] Ibid., para. 294.

225. The Committee notes with concern that the introduction of tuition fees and student loans, which is inconsistent with article 13, paragraph 2 (c), of the Covenant, has tended to worsen the position of students from less privileged backgrounds, who are already underrepresented in higher education.

226. The Committee reiterates the concern it expressed in its previous concluding observations[21] that the educational structure in Northern Ireland continues to be heavily segregated on the basis of religion, despite the increased demand for integrated schools.

E. Suggestions and recommendations

227. Affirming the principle of the interdependence and indivisibility of all human rights, and that all economic, social and cultural rights are justiciable, the Committee reiterates its recommendation made in 1997[22] and strongly recommends that the State party re-examine the matter of incorporation of the Covenant in domestic law. The Committee points out that, irrespective of the system through which international law is incorporated in the domestic legal order (monism or dualism), following ratification of an international instrument, the State party is under an obligation to comply with it and to give it full effect in the domestic legal order. In this respect, the Committee draws the attention of the State party to its general comment no. 9 (1998) on the domestic application of the Covenant.

228. The Committee further recommends, recalling its recommendation made in 1997,[23] that the State party review and strengthen its institutional arrangements, within the government administration, which are designed to ensure that its obligations under the Covenant are taken into account, at an early stage, in the Government's formulation of national legislation and policy on issues such as poverty reduction, social welfare, housing, health and education. Given that its general comments are based upon experience gained over many years, including the examination of numerous States parties' reports, the Committee urges the State party to give careful consideration to its general comments and statements when formulating policies that bear upon economic, social and cultural rights.

229. The Committee encourages the State party, as a member of international financial institutions, in particular IMF and the World Bank, to do all it can to ensure that the policies and decisions of those organizations are in conformity with the obligations of States parties under the Covenant, in particular with the obligations contained in article 2, paragraph 1, article 11, paragraph 2, article 15, paragraph 4 and article 23 concerning international assistance and cooperation.

230. The Committee urges the State party to prepare, as soon as possible, a national human rights plan of action, in accordance with paragraph 71 of the Vienna Declaration and Programme of Action.

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[21] Ibid., para. 301.

[22] Ibid., para. 304.

[23] Ibid., para. 316.

231. The Committee strongly recommends that the State party establish a national human rights commission for England, Wales and Scotland, with a mandate to promote and protect all human rights, including economic, social and cultural rights.

232. The Committee strongly recommends the inclusion of effective protection for economic, social and cultural rights, consistent with the provisions of the Covenant, in any bill of rights enacted for Northern Ireland.

233. The Committee urges the State party to ensure that human rights education curricula and training programmes for schoolchildren and for the judiciary, prosecutors, government officials, civil servants and other actors responsible for the implementation of the Covenant give adequate attention to economic, social and cultural rights.

234. The Committee urges the State party to take more effective steps to combat de facto discrimination, in particular against ethnic minorities and people with disabilities, especially in relation to employment, housing and education. The Committee strongly recommends that the State party enact comprehensive legislation on equality and non-discrimination in British law, in conformity with article 2, paragraph 2, and article 3 of the Covenant.

235. The Committee requests that specific information be included in the next periodic report on the measures and programmes relevant to the Covenant undertaken by the State party to follow up on the Durban Declaration and Programme of Action.[10]

236. The Committee urges the State party to ensure that the level of the national minimum wage is determined with due regard to the requirements of an adequate standard of living. Moreover, the Committee recommends that minimum wage protection be extended to workers under 18 years of age and that the scheme be applied in a non-discriminatory manner to persons between 18 and 22 years of age.

237. The Committee reiterates its recommendations made in 1997[24] that the right to strike be incorporated in legislation and that strike action no longer entail the loss of employment.

238. The Committee recommends that the State party continue its efforts to combat domestic violence and, in particular, to ensure that there are sufficient refuge places to meet the needs of victims of domestic violence. The Committee requests that the State party provide information in its next periodic report on further measures taken by the State party in relation to domestic violence, as well as on the results and effectiveness of such measures.

239. Given the principle of the dignity of the individual, which provides the foundation for international human rights law (see para. 41 of the Committee's general comment no. 13 (1999) on the right to education (art. 13 of the Covenant)) and in the light of article 10,

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[24] Ibid., para. 306.

paragraphs 1 and 3, of the Covenant, the Committee recommends that the physical punishment of children in families be prohibited, in line with the recommendation of the Committee on the Rights of the Child made in 1995[25] in its concluding observations on the State party.

240. The Committee urges the State party to continue to address the problem of poverty and social exclusion as a matter of high priority, with special focus on the needs of marginalized and vulnerable groups, and particular regions, such as Northern Ireland. When formulating its anti-poverty policies and programmes, the State party is urged to give the most careful attention to the Committee's Statement on poverty and the International Covenant on Economic, Social and Cultural Rights.[16]

241. The Committee recommends that the State party focus its efforts to combat homelessness on those groups in society which are disproportionately affected, such as ethnic minorities. The Committee further recommends that the State party take the necessary measures to ensure that homeless persons suffering from serious health problems receive adequate health care.

242. The Committee recommends that the State party take immediate measures to improve the situation of the large number of families and individuals who live in poor housing conditions and to relieve the situation of those who are "fuel poor".

243. In the context of HIV/AIDS, the Committee urges the State party to ensure the availability of, and equal access to, anti-retroviral medication for all individuals in Overseas Dependent Territories.

244. The Committee urges the State party to take effective measures to ensure that the introduction of tuition fees and student loans does not have a negative impact upon students from less privileged backgrounds, in accordance with paragraphs 14, 20 and 45 of the Committee's general comment no. 13 (1999) on the right to education. The Committee requests the State party to provide, in its next periodic report, detailed information on the impact of tuition fees and student loans on lower socio-economic groups.

245. The Committee reiterates its recommendation made in 1997[26] that the State party consider appropriate measures in Northern Ireland to facilitate the establishment of additional integrated schools in areas where a significant number of parents have indicated their desire to have their children enrolled in such schools.

246. The Committee encourages the State party to withdraw its reservations to the Covenant that have become redundant.

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[25] See *Official Records of the General Assembly, Fifty-first Session, Supplement No. 41* (A/51/41), para. 497.

[26] See *Official Records of the Economic and Social Council, 1998, Supplement No. 2* (E/1998/22-E/C.12/1997/10), chap. V, para. 312.

247. The Committee requests the State party to disseminate the present concluding observations widely at all levels of society, in particular among State officials and the judiciary. It also encourages the State party to involve non-governmental organizations and other members of civil society in the preparation of its fifth periodic report.

248. Finally, the Committee requests the State party to submit its fifth periodic report by 30 June 2007 and to include in that report detailed information on the steps it has undertaken to implement the recommendations contained in the present concluding observations.

TRINIDAD AND TOBAGO

249. The Committee considered the second periodic report of Trinidad and Tobago on the implementation of the Covenant (E/1990/6/Add.30) at its 15th and 16th meetings, held on 8 May 2002, and made public, at its 27th meeting, held on 17 May 2002, the following concluding observations.

A. Introduction

250. The Committee welcomes the second periodic report of the State party, which was prepared in general conformity with the Committee's guidelines. While the Committee regrets the late submission of the second periodic report, it is pleased to have been able to reinitiate a dialogue with the State party. However, it regrets that the delegation did not comprise sufficient experts in the field of economic, social and cultural rights.

B. Positive aspects

251. The Committee welcomes the establishment in 1998 of the Human Rights Unit within the Office of the Attorney-General and Ministry of Legal Affairs.

252. The Committee takes note with satisfaction of the adoption of legislation during the past five years, including the Equal Opportunity Act, the Domestic Violence Act, the Maternity Protection Act and the Children (Amendment) Act.

253. The Committee welcomes the State party's ratification of the 1951 Geneva Convention relating to the Status of Refugees and the 1967 Protocol thereto.

254. The Committee welcomes the establishment of the Domestic Violence Unit within the Gender Affairs Division.

255. The Committee commends the introduction of free secondary education for all.

C. Factors and difficulties impeding the implementation of the Covenant

256. The Committee takes note from the statement of the delegation that the current political stalemate in the State party is impeding the enactment of legislation relating to the advancement and full realization of economic, social and cultural rights for the people of Trinidad and Tobago.

D. Principal subjects of concern

257. The Committee is deeply concerned that the State party has not incorporated or reflected the Covenant or its provisions in the domestic legal order and that the State party could not provide information on case law in which rights contained in the Covenant were invoked before the courts.

258. The Committee is concerned that the State party has not yet formulated a comprehensive plan of action on human rights in accordance with paragraph 71 of the Vienna Declaration and Programme of Action.[8]

259. The Committee is concerned that economic, social and cultural rights are not part of the mandate of the Ombudsman.

260. The Committee notes with concern that the State party has not ratified a number of ILO Conventions relevant to economic, social and cultural rights and that it has denounced various human rights instruments, including the Optional Protocol of 1966 to the International Covenant on Civil and Political Rights.

261. The Committee is concerned at the lack of disaggregated data in the State party's report and written replies, especially with regard to gender participation in employment, participation of women and children in the informal sector and poverty, in particular with regard to disadvantaged and marginalized groups.

262. The Committee is concerned about the lack of specific and comprehensive anti-discrimination legislation in the State party. The Committee is particularly concerned that the Equal Opportunity Act 2000 does not afford protection to individuals on the grounds of sexual orientation, age and HIV/AIDS status, among others.

263. The Committee is concerned about the lack of facilities for persons with disabilities, who are unable to participate in many occupations owing to physical barriers and lack of equipment.

264. The Committee is concerned about the high rate of unemployment in Trinidad and Tobago, in particular among young people between 15 and 19 years old.

265. The Committee notes with concern that women earn less than men for work of equal value, especially in the private sector.

266. The Committee is concerned that the minimum wage is not sufficient to provide a decent standard of living for workers and their families.

267. The Committee is deeply concerned that the minimum age for work, which is too low, in certain cases as low as 12 years, leaves children more vulnerable to exploitation and prejudices their right to education.

268. The Committee is concerned at the range of categories of workers denied the right to strike with legal justification. The Committee also notes with concern the existence of legislation that greatly restricts the recognition of trade unions in collective bargaining with employers.

269. The Committee is concerned about the high rate of child labour. In this respect, the Committee notes with concern that the State party has not ratified ILO Convention No. 182 (1999) concerning the prohibition and immediate action for the elimination of the worst forms of child labour.

270. The Committee is concerned that, despite some positive initiatives, including the establishment of the Domestic Violence Unit, the incidence of violence against women remains high. The Committee also notes with concern the persistence of gender stereotypes that discriminate against women.

271. The Committee is concerned that clandestine abortion is the cause of a high rate of maternal mortality due to infections and complications from procedures performed under unsanitary conditions by untrained personnel.

272. The Committee also notes with concern the continuing high rate of HIV/AIDS, especially among young women.

273. The Committee notes that the State party, in answering questions about specific programmes devoted to reducing and preventing infant mortality and maternal mortality, as well as teenage pregnancies and backstreet abortions, did not provide disaggregated data on a comparative basis which would put the Committee in the position to ask focused questions as to how the delineated health programmes have actually been put into practice.

274. The Committee is deeply concerned about the living conditions of prisoners and detainees in the State party, especially with regard to access to health care and adequate food and basic facilities.

275. The Committee is concerned about the large number of people living below the poverty line, especially women heading single parent households, who receive insufficient protection from the State party in the enjoyment of their economic, social and cultural rights.

276. The Committee is deeply concerned about the lack of housing programmes to provide the poorest members of society with appropriate accommodation. The Committee is also concerned at the number of urban squatter communities which are exposed to forced evictions, in the light of the highly restrictive legal conditions governing their right to tenure.

277. While the Committee welcomes the abolition of corporal punishment in schools, it is concerned at the continued resort to corporal punishment at home and for adult males in the justice system.

278. The Committee is also concerned at the high rates of domestic and sexual violence, the excessive use of force by the police and the persistence of a generalized "culture of violence" in Trinidad and Tobago.

279. The Committee is concerned that problems of persisting overcrowding in hospitals, lack of staff and non-accessibility of basic drugs have put great strain on the public health service, which has detrimental effects on access to basic health-care facilities, goods and services, especially for the disadvantaged and marginalized groups of society.

E. Suggestions and recommendations

280. The Committee urges the State party to ensure that economic, social and cultural rights are incorporated in national domestic legislation and made justiciable. The Committee points out that, irrespective of the system through which international law is incorporated in the domestic legal order (monism or dualism), following ratification of an international instrument, the State party is under an obligation to comply with it and to give it full effect in the domestic legal order. In this respect, the Committee draws the attention of the State party to its general comment no. 9 (1998) on the domestic application of the International Covenant on Economic, Social and Cultural Rights.

281. The Committee recommends that the State party formulate and implement a comprehensive national plan of action for the protection and promotion of human rights, as recommended in paragraph 71 of the Vienna Declaration and Programme of Action, and include information on this matter in the next periodic report.

282. The Committee recommends that the State party provide the Ombudsman with powers to deal with all human rights issues, including economic, social and cultural rights.

283. The Committee recommends that the State party ratify the ILO conventions relevant to economic, social and cultural rights and that it withdraw its reservation to article 8 of the Covenant. In addition, the Committee notes with interest the State party's declaration that it will reconsider its position regarding the denunciation of human rights instruments.

284. The Committee requests the State party to provide in its next periodic report extensive gender-disaggregated data in order to facilitate the analysis of trends, progress or worrying tendencies with regard to the enjoyment of economic, social and cultural rights.

285. The Committee recommends that the State party take legislative and other effective measures to eliminate discrimination, in accordance with article 2, paragraph 2, of the Covenant. In particular, the Committee wishes to encourage the State party to undertake proactive policies to promote the rights of individuals, especially with regard to their sexual orientation and HIV/AIDS status.

286. The Committee urges that the State party enact specific legislation and adopt concrete measures to ensure better living conditions for persons with disabilities.

287. The Committee recommends that the State party take effective action to reduce unemployment among young people by providing further vocational training opportunities.

288. The Committee urges the State party to take legislative and other measures to ensure equal pay for work of equal value for men and women.

289. The Committee recommends that the State party review the minimum wage level in order to enable workers to attain an adequate standard of living for themselves and their families.

290. The Committee urges the State party to review and harmonize legislation on the minimum working age and to implement measures to provide children with sufficient legal protection. In this regard, the Committee recommends that the State party ratify ILO Convention No. 138 (1973) concerning minimum age for admission to employment.

291. The Committee recommends that legislation preventing workers from striking be reviewed in the light of the State party's international commitments and that the requirements for trade union membership be lowered, in order to facilitate more constructive and meaningful dialogue between workers and employers. The Committee also urges the State party to ensure that mechanisms for monitoring conditions at work are provided with sufficient human and financial resources to enable them to protect the rights of workers effectively.

292. The Committee urges the State party to take effective legislative and other measures in order to address child labour. In this regard, the Committee recommends that the State party ratify ILO Convention No. 182 (1999) concerning the worst forms of child labour.

293. The Committee calls upon the State party to take all effective measures, including the enforcement of existing legislation and the extension of national awareness campaigns, to eliminate all forms of violence and discrimination against women.

294. The Committee requests the State party to provide in its next periodic report detailed information based on comparative data about the problem of abortion in Trinidad and Tobago and the measures, legislative or otherwise, including the review of its present legislation, it has undertaken to protect women from clandestine and unsafe abortion.

295. The Committee, while noting the sustained efforts made to address HIV/AIDS problems, urges the State party to step up its measures to combat HIV/AIDS and, in particular, to enhance the provision of education on sexual and reproductive health.

296. The Committee recommends that the State party, in its next periodic report, provide more detailed statistics on a disaggregated and comparative basis concerning specific health programmes devoted to reducing and preventing infant mortality and maternal mortality, as well as teenage pregnancies and backstreet abortions. The State party is invited to set benchmarks in this area which might form the basis of the dialogue with the Committee during the next periodic review.

297. The Committee urges the State party to enact specific legislation and adopt measures necessary to improve the living conditions of prisoners and detainees.

298. The Committee urges the State party to integrate economic, social and cultural rights into its poverty reduction programmes. In this regard, the State party is urged to give the most careful attention to the Committee's Statement on poverty and the International Covenant on Economic, Social and Cultural Rights.[16]

299. The Committee urges the State party to devise a housing strategy for disadvantaged and marginalized groups and to provide low-cost housing units to them. The Committee also urges the State party to provide more disaggregated data on squatters, as well as to adopt measures to improve their legal position with regard to their security of tenure. In addition, the Committee recommends that the State party take into account the Committee's general comments no. 4 (1991) on the right to adequate housing (art. 11, para. 1, of the Covenant) and no. 7 (1997) on forced evictions.

300. The Committee calls on the State party to prohibit effectively the use of corporal punishment in all areas of life.

301. The Committee calls upon the State party to exercise the full authority of the law and all means at its command to eradicate the scourge of violence. The Committee reminds the State party that, in undertaking measures to combat violence, it must ensure respect for human dignity and the protection of human rights at all times. The Committee requests the State party to provide in its third periodic report detailed information on the measures it has taken and the progress it has achieved in its efforts to eradicate all forms of violence, particularly violence against women and children and excessive force used by the police.

302. The Committee recommends that the State party provide in its next periodic report, on a disaggregated and comparative year-by-year basis, facts and figures on access to basic health-care facilities, goods and services, and similar figures about the development of a private health-care system, including on the effects of this on continued access to health facilities by the disadvantaged and marginalized groups of society.

303. The Committee encourages the State party to continue to provide human rights education in schools at all levels and to raise awareness about human rights, in particular economic, social and cultural rights, among government officials and the judiciary.

304. The Committee requests the State party to disseminate the present concluding observations widely at all levels of society, in particular among State officials and the judiciary, and, in its third periodic report, to inform the Committee on all steps taken to implement them. The Committee also recommends that the State party involve non-governmental organizations and other members of civil society in the preparation of its third periodic report.

305. Finally, the Committee requests the State party to submit its third periodic report by 30 June 2007 and to include in that report detailed information on the steps it has undertaken to implement the Committee's recommendations contained in the present concluding observations.

Twenty-ninth session

SLOVAKIA

306. The Committee considered the initial report of Slovakia on the implementation of the Covenant (E/1990/5/Add.49) at its 30th to 32nd meetings, held on 12 and 13 November 2002, and made public, at its 56th meeting, held on 29 November 2002, the following concluding observations.

A. Introduction

307. The Committee welcomes the submission of the initial report of the State party, which was prepared generally in conformity with the Committee's guidelines.

308. The Committee notes with appreciation the comprehensive written and oral replies given by the State party, as well as the open and candid constructive dialogue with the delegation, which included a number of government officials with expertise on the subjects relevant to the

provisions of the Covenant. The Committee also welcomes the willingness of the delegation to provide further information in writing concerning the questions that could not be answered during the dialogue.

B. Positive aspects

309. The Committee welcomes the amendment to article 7, paragraph 5, of the Constitution of the Slovak Republic, pursuant to which the Covenant takes precedence over domestic law and may be invoked before the courts.

310. The Committee commends the State party for establishing the institution of an Ombudsman in 2001 and for electing the first Ombudsman in March 2002.

311. The Committee notes with appreciation the emergence of Slovakia as a donor country for development assistance.

312. The Committee welcomes the establishment in 1996 of the Coordination Committee for Women's Issues and in 1999 of the Department of Equal Opportunities.

C. Factors and difficulties impeding the implementation of the Covenant

313. The Committee notes that the State party has encountered difficulties in implementing the economic, social and cultural rights contained in the Covenant arising from the process of transition to a market-oriented economy.

D. Principal subjects of concern

314. The Committee is deeply concerned about discrimination against Roma people in the fields of employment, housing, health care and education. Although the State party acknowledges this fact, the legislative and administrative measures undertaken by the State party to improve the socio-economic conditions of the Roma are still insufficient to address the problem. The Committee is also concerned about the absence of a comprehensive anti-discrimination law.

315. While the Committee appreciates the efforts of the State party in seeking to ensure equal rights for men and women, it notes with concern the inadequate representation of women in the decision-making bodies of the State party and the persistence of patriarchal attitudes in Slovak society.

316. The Committee is alarmed about the high rate of unemployment and, in particular, the large disparities in employment between the different regions of the country, as well as between urban and rural areas. The Committee is also concerned that unemployment among Roma people is steadily increasing and, in some cases, has risen above 80 per cent.

317. The Committee is especially concerned that the minimum wage is not sufficient to provide a decent standard of living for workers and their families.

318. The Committee is concerned that there remains a large disparity between the wages of men and women, and that, according to the Statistical Office of Slovakia, women's wages in general are 25 per cent lower than those of men.

319. The Committee notes with concern that the legislative measures in place concerning the right to strike are too restrictive, given that no strikes have actually been staged.

320. The Committee notes with concern that, despite the State party's adoption of legislative measures on domestic violence, the problem persists and is widespread.

321. The Committee is concerned about the persistent problem of trafficking in women, as well as the sexual exploitation of women and children in the State party.

322. The Committee is deeply concerned about the high rate of tobacco smoking as well as the high level of alcohol consumption among adults.

323. The Committee is alarmed about the low rate of primary school enrolment and the high dropout rates at secondary schools among Roma children.

E. Suggestions and recommendations

324. The Committee recommends that the State party formulate and implement a comprehensive national plan of action for the promotion and protection of human rights, as recommended in paragraph 71 of the Vienna Declaration and Programme of Action.[8] The Committee requests the State party to include a copy of its national plan of action and information on its implementation in its second periodic report.

325. The Committee recommends that the State party take into account its obligations under the Covenant in the formulation of its social welfare, housing, health and education policies.

326. The Committee also recommends to the State party that human rights, including economic, social and cultural rights, be reflected in its official development assistance policy.

327. The Committee urges the State party to take concrete measures, including the adoption of a comprehensive anti-discrimination law, in accordance with article 2, paragraph 2, of the Covenant, to combat and eliminate discrimination against minority groups, in particular against Roma people.

328. The Committee requests the State party to provide, in its second periodic report, detailed information on any government policies, programmes and measures adopted to contribute to the effective implementation of the legislation on equality between men and women, including the representation of women at the various levels of Government and public administration.

329. The Committee calls upon the State party to take effective measures, including increasing the resources allocated to reducing the unemployment rate, in particular among women, Roma people and other disadvantaged and marginalized groups, especially in rural areas.

330. The Committee urges the State party to ensure that the minimum wage enables all workers to secure a decent standard of living for themselves and their families.

331. The Committee urges the State party to implement effectively measures recently adopted to ensure equal pay for work of equal value, as provided for in the Covenant, and to reduce the wage gap between men and women.

332. The Committee recommends that the State party revise its legislation on the right to strike, in line with article 8 of the Covenant and the relevant conventions of ILO.

333. The Committee requests the State party to provide detailed information on the National Programme for Combating Poverty and Social Exclusion and on the Slovak Social Protection National Programme. The Committee urges the State party to fully integrate human rights, including economic, social and cultural rights, in its poverty-reduction strategies. In this regard, it draws the attention of the State party to the Committee's Statement on poverty and the International Covenant on Economic, Social and Cultural Rights.[16]

334. The Committee calls upon the State party to enforce its legislation on domestic violence and to take appropriate preventive measures in order to give the required assistance to victims of domestic violence.

335. The Committee urges the State party to adopt effective measures, including through regional cooperation, to combat trafficking in women and to adopt preventive programmes to combat the sexual exploitation of women, adolescents and children.

336. The Committee calls upon the State party to adopt effective measures, including public awareness campaigns, to reduce tobacco smoking and alcohol consumption.

337. The Committee requests the State party to provide, in its second periodic report, information about the mentally ill, including the number of those hospitalized, the facilities available to them and the legal safeguards for the protection against abuse and neglect of patients.

338. The Committee urges the State party to intensify its efforts to increase the school attendance of Roma children, especially at the primary level, and to address the problem of dropouts among secondary school pupils. The Committee also recommends that the State party collect and develop data, disaggregated by gender and ethnic origin, as stated in paragraph 7 of the Committee's general comment no. 13 (1999) on the right to education (art. 13 of the Covenant) for inclusion in its next periodic report.

339. The Committee encourages the State party to provide human rights education in schools at all levels and to raise awareness about human rights, in particular economic, social and cultural rights, among State officials and the judiciary.

340. The Committee requests the State party to disseminate the present concluding observations widely at all levels of society and, in particular, among State officials and the judiciary and to inform the Committee, in its next periodic report, of all steps taken to implement them. It also encourages the State party to consult with non-governmental organizations and other members of civil society in the preparation of the report.

341. The Committee requests the State party to submit its second periodic report by 30 June 2007.

POLAND

342. The Committee considered the fourth periodic report of Poland on the implementation of the Covenant (E/C.12/4/Add.9) at its 33rd and 34th meetings, held on 13 and 14 November 2002, and made public, at its 56th meeting, held on 29 November 2002, the following concluding observations.

A. Introduction

343. The Committee welcomes the submission of the fourth periodic report of Poland, which was prepared in conformity with the Committee's guidelines. The Committee notes with appreciation the comprehensive written replies to its list of issues (E/C.12/Q/POL/2) and the additional information provided during and after the constructive dialogue with the delegation of the State party.

B. Positive aspects

344. The Committee notes with appreciation the range of concrete measures that have been undertaken by the State party during the reporting period, in accordance with the Committee's previous recommendations.[27]

345. The Committee commends the State party for its ongoing process to bring its legislation into harmony with the provisions of the Covenant and for the specific measures it has taken in order to ensure the enjoyment of economic, social and cultural rights within its jurisdiction.

346. The Committee welcomes the establishment in November 2001 of the Government Plenipotentiary for Equal Status of Women and Men with the responsibility of promoting the principle of equality between men and women in government legislation and policies. The Committee also notes the recent expansion of the responsibilities of the Plenipotentiary to include combating discrimination based on race, ethnic origin, religion and belief, age and sexual orientation.

347. The Committee welcomes the programmes and measures undertaken by the State party to address the alarming rise in unemployment, including the National Strategy for Employment Growth and Human Resources Development for the Period 2000-2006.

348. The Committee also welcomes the recent amendments to the Labour Code, which ban discrimination on the grounds of sex, age, disability, nationality or belief, and guarantee equal remuneration for work of equal value. The Committee notes with appreciation that under the new Labour Code the burden of proof is incumbent on the employer if an employee complains about discriminatory practices.

349. The Committee welcomes the recent redefinition of juvenile work, according to which the minimum working age has been raised from 15 to 16 years.

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[27] Ibid., *1999, Supplement No. 2* (E/1999/22-E/C.12/1998/26), chap. IV, paras. 157-166.

350. The Committee welcomes the establishment in 2000 of the Ombudsman for Children responsible for monitoring children's rights in Poland.

351. The Committee also welcomes the adoption in 1997 of the Charter of Disabled Persons' Rights, as well as the entry into force in 1998 of the Act on Vocational and Social Rehabilitation and Employment of Persons with Disabilities of 27 August 1997.

352. The Committee notes with appreciation the initiatives undertaken by the State party to reduce alcohol consumption and tobacco smoking in the country, including the recent ban on the selling of alcohol to minors and on the promotion and advertising of tobacco products.

C. Factors and difficulties impeding the implementation of the Covenant

353. The Committee notes the difficulties encountered by the State party in implementing the rights provided for in the Covenant, which arose from the process of transition to a market-oriented economy.

D. Principal subjects of concern

354. The Committee is deeply concerned about the recent increase in xenophobic manifestations and acts of violence against certain minorities, in particular Jews and Roma.

355. The Committee regrets that the State party has not provided data about the Roma population living in Poland and that it has not yet adopted and implemented a comprehensive programme to address the problems faced by Roma communities, in particular unemployment and inadequate living standards. The Committee also expresses its concern at the high dropout rates among Roma students.

356. The Committee notes with regret that it did not receive a satisfactory answer from the State party as to whether migrant workers and members of their families have the right to appeal in courts. The Committee is concerned that the rights enshrined in the Covenant are insufficiently protected for a large number of migrant workers residing in Poland.

357. The Committee is concerned about the high level of unemployment in the State party, which has steadily increased since the consideration of its last periodic report and which currently affects over 17 per cent of the active population. The Committee notes with concern that rural areas are particularly affected in this regard as a result of the restructuring of the public sector in the field of agriculture.

358. The Committee is also concerned that, despite the measures taken by the State party to combat discrimination against women in employment, the discrepancy persists between the law and actual practice with respect to equal remuneration for work of equal value and to promotion in employment, as acknowledged by the State party's delegation.

359. The Committee is further concerned that there are no specific regulations against sexual harassment in the State party. It notes with regret that the State party was not able to provide information on this subject in its report and written replies to the list of issues, as requested by the Committee.

360. The Committee notes with concern the different retirement ages for men (65) and women (60), which in practice result in lower pensions for women.

361. The Committee is concerned that the minimum wage in Poland is insufficient to provide a worker and his/her family with a decent standard of living.

362. The Committee is also concerned about the inadequacies in enforcing occupational safety laws and regulations in the State party, resulting in a relatively high number of accidents in the workplace.

363. The Committee notes with concern that the legislation of the State party still contains restrictions on civil servants' right to join trade unions and to strike.

364. The Committee expresses its concern that the relatively high incidence of child labour in rural areas, as acknowledged by the State party's delegation, has a negative impact on children's health and on their right to education.

365. The Committee is concerned about the rising incidence of trafficking in women for the purpose of sexual exploitation.

366. The Committee is also concerned about the high number of reported cases of domestic violence and notes with regret that insufficient information was provided on this issue by the State party.

367. The Committee is further concerned that, under existing legislation, forced evictions may be carried out in the State party without the provision of alternative lodging, as stipulated in the Committee's general comment no. 7 (1997) on the right to adequate housing (art. 11, para. 1, of the Covenant): forced evictions.

368. The Committee regrets that it did not receive adequate information from the State party on the number of people who live below the poverty line.

369. The Committee is concerned that family planning services are not provided in the public health-care system and that women have no access to affordable contraception. It also expresses concern that education in sexual and reproductive health is not adequately covered in the national school curricula.

370. The Committee is concerned about the restrictive abortion laws, which have resulted in a large number of women risking their health by resorting to clandestine abortionists.

371. The Committee expresses its concern at the high level of cardiovascular diseases, as acknowledged by the State party.

372. The Committee expresses deep concern at the high number of people who suffer from mental illness and the equally high number of children and young adults who required psychological care during the reporting period.

373. The Committee notes with regret that the State party did not provide sufficient information on its programmes to combat HIV/AIDS.

E. Suggestions and recommendations

374. The Committee requests the State party to clarify, in its fifth periodic report, whether individuals within its territory may invoke the rights enshrined in the Covenant before the domestic courts, as well as relevant case law, if available, on the application of the Covenant. In this respect, the Committee draws the attention of the State party to its general comment no. 9 (1998) on domestic application of the Covenant. The Committee urges the State party to take measures to increase public awareness of the Covenant and of the possibility of invoking its provisions before the courts.

375. The Committee recommends that the State party formulate and implement a comprehensive national plan of action for the promotion and protection of human rights, as recommended in paragraph 71 of the Vienna Declaration and Programme of Action.[8] The Committee requests the State party to include a copy of the national plan of action and information on its implementation in its next periodic report.

376. The Committee urges the State party to take legislative and other measures to ban and prosecute organizations which incite or promote racial discrimination.

377. The Committee also urges the State party to provide updated information on the Roma population and to adopt a comprehensive programme to address the obstacles to the advancement of the Roma population, including measures to ensure effective remedy for cases of discrimination against Roma in employment, housing and health care. The Committee further urges the State party to adopt effective measures to combat the low school attendance and high dropout rates among Roma students and to provide for their integration into regular classes on an equal footing with other Polish children.

378. In view of the large number of migrant workers in Poland, the Committee urges the State party to ensure the effective protection of the rights of migrant workers and their families, provided for under the Covenant.

379. In order to tackle unemployment, the Committee urges the State party to intensify its efforts to implement the relevant national plans of action with a view to adapting the workforce to a changing labour market and providing alternative sources of income for workers affected by restructuring programmes, particularly in the heavy industry and agricultural sectors.

380. The Committee reiterates its previous recommendation to the State party to ensure the implementation of the legal provisions and administrative regulations guaranteeing equal remuneration for men and women and the equal opportunity for promotion in employment, subject to no considerations other than those of seniority and competence. The Committee encourages the adoption of the draft legislation on the equal status of men and women, currently being considered by the Senate of the State party.

381. The Committee also reiterates its previous recommendation to the State party that sexual harassment be prohibited by law, and urges the State party in its next periodic report to provide information on sexual harassment.

382. The Committee recommends the adoption of the same age of retirement for men and women.

383. The Committee also recommends that the State party regularly evaluate and adjust the minimum wage on the basis of the cost of living so as to ensure that the worker and his/her family are able to have a decent standard of living.

384. The Committee reiterates its previous recommendation to the State party to intensify its efforts at ensuring that occupational safety legislation is properly implemented, especially by allocating sufficient resources to the State Labour Inspectorate and imposing effective sanctions with respect to violations of safety regulations.

385. The Committee recommends to the State party that its legislation on the civil service be amended with a view to lifting the restrictions imposed on civil servants' right to join trade unions and on their right to strike, in conformity with the comments made in 2000 by the ILO Committee of Experts on the Application of Conventions and Recommendations on Convention No. 87 (1948) concerning freedom of association and protection of the right to organize, which is published in the thirtieth report of ILO.

386. The Committee also recommends the adoption of legislation in order to regulate child labour in rural areas in such a way that the right to health and right to education of working children are fully protected.

387. The Committee further recommends that the State party take effective measures to combat trafficking in women, inter alia, by ensuring that those responsible for trafficking are prosecuted, and to ratify the international instruments aimed at intensifying cooperation in this field among States, including the additional Protocol to the United Nations Convention against Transnational Organized Crime to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children. The Committee requests the State party in its next periodic report to report on the progress made in this regard.

388. The Committee recommends that the State party strengthen programmes and increase budget allocations for combating domestic violence, ensuring, among other things, the availability and accessibility of crisis centres where victims of domestic violence can find safe accommodation and counselling.

389. The Committee reiterates its previous recommendation that the conditions for permissible forced evictions be specified in law, with provisions that address the need for alternative lodging for those evicted, as provided for in the Committee's general comment no. 7 (1997) on forced evictions.

390. The Committee recommends that the State party closely monitor the level of poverty and provide in its next periodic report disaggregated and comparative data on the number of people living under the poverty line. The Committee furthermore urges the State party to fully integrate human rights, including economic, social and cultural rights, in the formulation of a national strategy for poverty reduction. In this respect, the Committee refers the State party to the Committee's Statement on poverty and the International Covenant on Economic, Social and Cultural Rights.[16]

391. The Committee also recommends that family planning services be provided by the public health-care system, that contraceptives be available at affordable prices and that sexual and reproductive health education be included in the national school curricula.

392. The Committee requests that the State party provide in its next periodic report detailed information, including comparative data, about the problem of abortion in Poland and the measures, legislative or otherwise, including the review of its present legislation, it has undertaken to protect women from clandestine and unsafe abortions.

393. In view of the high level of deaths caused by cardiovascular diseases, the Committee recommends that the State party monitor the situation closely and include in its next periodic report disaggregated and comparative data documenting the effects of measures taken in this respect.

394. The Committee requests the State party, in its next periodic report, to provide detailed information on the conditions in psychiatric inpatient health-care facilities and to include data documenting the results of the Mental Health Programme.

395. The Committee also requests the State party to include in its next periodic report information on concrete results of the implementation of the Charter of Disabled Persons' Rights as well as of the Act on Vocational and Social Rehabilitation and Employment of Disabled Persons of 27 August 1997.

396. The Committee further requests the State party to provide information on legislation and programmes concerning persons with HIV/AIDS, as requested in the list of issues to be taken up in connection with the present periodic report.

397. The Committee encourages the State party to provide human rights education in schools at all levels and to raise awareness about human rights, in particular economic, social and cultural rights, among State officials and the judiciary.

398. The Committee requests the State party to disseminate the present concluding observations widely at all levels of society, and in particular among State officials and the judiciary, and to inform the Committee in the next periodic report, of all steps taken to implement them.

399. Finally, the Committee requests the State party to submit its fifth periodic report by 30 June 2007, and encourages the State party to consult with non-governmental organizations and other members of civil society in the preparation of the report.

GEORGIA

400. The Committee considered the second periodic report of Georgia on the implementation of the Covenant (E/1990/6/Add.31) at its 35th and 36th meetings, held on 14 and 15 November 2002, and made public, at its 56th meeting, held on 29 November 2002, the following concluding observations.

A. Introduction

401. The Committee welcomes the submission of the second periodic report of the State party, which was prepared generally in conformity with the Committee's guidelines.

402. The Committee notes with appreciation the comprehensive written replies given by the State party to the list of issues (E/C.12/Q/GEO/2), as well as the open and constructive dialogue with the delegation.

B. Positive aspects

403. The Committee notes the efforts of the State party to comply with its obligations under international human rights instruments to which it is a party, in particular the adoption of various plans of action on a number of human rights topics, such as children's rights, women - as recommended by the Committee in 2000[28] - and combating violence.

404. The Committee welcomes the delegation's statement that the general tendency of a weak economic growth has been reversed in the period 2000-2002: GDP has increased from 6 billion Georgian laris in 2000 to GELS 6.6 billion in 2001. Growth in agricultural production has had a positive impact on national food security.

C. Factors and difficulties impeding the implementation of the Covenant

405. The Committee notes that the State party continues to encounter difficulties in implementing the economic, social and cultural rights contained in the Covenant, arising from the process of transition to a market-oriented economy.

D. Principal subjects of concern

406. The Committee notes with regret that, despite the international assistance being provided to the State party, it has been unable to comply with most of the recommendations contained in the Committee's concluding observations on the State party's initial report.[29]

407. The Committee also notes with regret that, despite the information provided in the State party's report and in the written replies to the Committee's list of issues, many requests made by the Committee for detailed information and disaggregated comparative statistical data on many Covenant rights remain unanswered.

408. The Committee is concerned about the existing gap between legislation in the field of economic, social and cultural rights and its actual implementation.

409. The Committee is further concerned about the lack of awareness in the State party about the provisions of the Covenant.

410. The Committee is deeply concerned that the State party has not been able to address adequately the widespread and rampant problem of corruption, as it is one of the primary causes of the decrease in, and the inappropriate allocation of, revenue and resources, thus adding to the extremely difficult economic, social and cultural situation in the State party. The Committee is particularly concerned about the limited effectiveness of the use of foreign funds received in the context of international cooperation.

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[28] Ibid., *2001, Supplement No. 2* (E/2001/22-E/C.12/2000/21), chap. IV, para. 101.

[29] Ibid., paras. 75-106.

411. The Committee expresses deep concern about the deplorable situation of internally displaced persons in the State party. The State party's efforts to provide basic services to this disadvantaged group and special legislation adopted to that end have succeeded only partially in meeting the most basic needs of internally displaced persons, particularly with regard to employment, social security, adequate housing and access to water, electricity, basic health services and education.

412. The Committee is concerned that the Public Defender is not able to function in an effective manner, owing to severe resource constraints.

413. The Committee is gravely concerned about the high unemployment rate in the State party, particularly in urban areas and among young people, despite the measures adopted to create jobs and to encourage entrepreneurship in the country. The Committee regrets that the State party does not have information or data on the informal economy and on the number of self-employed in the country. The Committee further expresses concern about the slow process of re-establishing incentives to motivate the labour force to seek employment.

414. The Committee is also deeply concerned about the extremely low level of salaries in the State party, including the minimum wage, which is far below the minimum level of subsistence. Moreover, the Committee reiterates its concern that employees in various sectors of the economy are often not paid on time.

415. The Committee regrets that the existing legislation does not give sufficient powers to labour inspectors to carry out their responsibilities, particularly in the private sector. The Committee also regrets the lack of adequate resources for the Labour Inspectorate.

416. The Committee is concerned about the extremely low level of social security benefits, which are far below the minimum level of subsistence, and about the fact that these benefits are often paid in arrears.

417. The Committee expresses serious concern about the inadequacy or even lack of legislation and policies on domestic violence, rape, or sexual harassment, as well as about the de facto impunity with which such acts are committed. The Committee is also concerned that domestic violence is not criminalized as a specific offence.

418. The Committee is also concerned that the State party has not adopted any significant measures or policies to address the problem of trafficking in persons, particularly women.

419. The Committee is concerned about the high number of children living and/or working in the streets who are often victims of various forms of exploitation, including prostitution and pornography.

420. The Committee reiterates its grave concern about the constantly increasing level of poverty in the State party and the inadequacy of the measures undertaken to combat poverty. The Committee also reiterates its previous observations that there seems to be a lack of effective management, transparency and accountability in the policy-making and implementation phases.[30]

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[30] Ibid., paras. 81 and 82.

421. The Committee further reiterates its concern about the lack of clarity as to the analysis and evaluation of the level of poverty in the country, and the determination of the real poverty line.[31]

422. The Committee expresses concern about the poor living conditions of the majority of the State party's population, including an inadequate supply of water and irregular provision of electricity and heating, which particularly affect the most disadvantaged and marginalized groups of society, such as older persons, persons with disabilities, internally displaced persons, prisoners and persons living in poverty.

423. The Committee expresses deep concern about the insufficiency of material and technical resources, medication, hygienic and sanitary conditions and food in hospitals, as well as about the low wages of the medical staff, resulting in the common practice of charging informal fees for basic health-care services that are formally provided free of charge. A particular negative effect of such informal fees is that it puts basic health care even further beyond the reach of the poorest and most disadvantaged groups of society.

424. The Committee is especially concerned about the situation of persons with mental illnesses, who, in addition to suffering social stigmatization, often spend a long time in psychiatric facilities where they live in sub-standard conditions and receive sub-standard treatment and care.

425. The Committee regrets the lack of detailed information on the situation of primary education in the information provided by the State party. The Committee is concerned that, although primary education should be provided free of charge, as stipulated by law and in article 14 of the Covenant, parents are faced with payments for various purposes.

426. The Committee is further concerned about the high number of school dropouts, particularly in secondary education.

E. Suggestions and recommendations

427. The Committee recommends that the enforcement of legislation in the field of economic, social and cultural rights be improved and that the various plans and programmes on human rights be implemented in a consistent manner.

428. The Committee also recommends that human rights education in the State party be improved and that adequate human rights training be provided to the judiciary and government officials.

429. The Committee strongly urges the State party to take effective measures to combat corruption and, in particular, to increase transparency and consultations at all levels of decision-making and concerning the evaluation of distribution of funds, especially with regard to the determination of the use of aid, the monitoring of fund distribution and the evaluation of impact.

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[31] Ibid., para. 83.

430. The Committee strongly recommends that the State party take effective measures, in consultation with relevant civil society organizations, to improve the situation of internally displaced persons, including the adoption of a comprehensive programme of action aiming at ensuring more effectively their rights to adequate housing, food and water, health services and sanitation, employment and education, and the regularization of their status in the State party.

431. The Committee recommends that the Public Defender be accorded adequate resources. The Committee further suggests that the State party seek international assistance concerning the effective functioning of the Public Defender's office.

432. The Committee strongly recommends that the State party intensify steps to ensure the right to work and the right to just and favourable conditions of work, in particular more timely payment of wages, and to establish the minimum wage at a level adequate for the requirements of the minimum level of subsistence.

433. The Committee urges the State party to improve the legislation concerning labour inspections, in particular with regard to the private sector, and to provide more resources to the Labour Inspectorate.

434. The Committee strongly recommends that the State party undertake reform of the social security system, including the establishment of a clearer relationship between pensions and previous employment; the raising of social security benefits to a level closer to the subsistence minimum; and the payment of benefits in a more timely manner, in particular to those most disadvantaged and marginalized groups that have no other means of subsistence.

435. The Committee recommends that the State party implement its National Plan of Action for the Advancement of Women for 1998-2000 and its national plan of action for combating violence against women, and that it adopt adequate legislation and policies to address and to ensure access to effective remedies concerning domestic violence, rape and sexual harassment. The Committee encourages the State party to develop programmes aimed at raising awareness of, and educating law enforcement officials, the judiciary and the general public on, these problems.

436. The Committee urges the State party to undertake and implement effective measures to combat trafficking in persons, including adequate training of law-enforcement officials and the judiciary, the prosecution of perpetrators in accordance with the law, and rehabilitation programmes for victims of trafficking.

437. The Committee calls upon the State party to undertake urgent and effective measures to address the problems faced by children living and/or working in the street, and to protect them against all forms of exploitation.

438. The Committee encourages the State party, in preparing its poverty reduction strategies, in particular the Poverty Reduction Strategy Paper for the World Bank, to ensure active and meaningful participation of members of civil society. The State party may also wish to take into account the Committee's Statement on poverty and the International Covenant on Economic, Social and Cultural Rights[16] and the draft guidelines for the integration of human rights into poverty reduction strategies, proposed by the Office of the United Nations High Commissioner for Human Rights in 2002.

439. The Committee urges the State party to continue its efforts to improve the living conditions of its population, in particular by ensuring that the infrastructure for water, energy provision and heating is improved, and by paying priority attention to the needs of the most disadvantaged and marginalized groups of society, such as older persons, persons with disabilities, internally displaced persons, prisoners and persons living in poverty.

440. The Committee requests the State party to include, in its next periodic report, detailed information on the process of agricultural reform, and in particular on any costs imposed upon new landowners in the form of fees or taxes.

441. The Committee urges the State party to undertake effective measures to improve the living and working conditions in hospitals, ensure adequate wages for the medical staff, and actively combat the practice of informal fees.

442. The Committee recommends that particular attention and adequate funding be devoted to improving the treatment of and care for persons with mental illnesses.

443. The Committee encourages the State party to undertake preventive measures against HIV/AIDS, particularly awareness-raising campaigns, in order to prevent the spread of the disease in the country.

444. The Committee recommends that the State party undertake measures to ensure that access to free primary education is not impeded in reality by additional material costs and by informal fees. In addition, the Committee suggests that the State party continue its reform of the school system, which aims, inter alia, to reduce the number of dropouts.

445. The Committee requests that the State party include, in its next periodic report, detailed information on the quality of higher education.

446. The Committee recommends that, in its efforts to implement the rights contained in the Covenant, the State party continue to seek international assistance and engage in international cooperation with donors and relevant international organizations, including the Office of the High Commissioner for Human Rights. In this regard, the Committee recommends that the State party ensure that its international human rights obligations are taken fully into account when entering into technical cooperation and other arrangements.

447. The Committee requests the State party to disseminate the present concluding observations widely at all levels of society, and in particular among State officials and the judiciary, and to inform the Committee, in its next periodic report, on all steps taken to implement them. It also encourages the State party to continue to involve non-governmental organizations and other members of civil society in the preparation of its third periodic report.

448. Finally, the Committee requests the State party to submit its third periodic report by 30 June 2007, and to include therein detailed information on the steps it has undertaken to implement the recommendations contained in the present concluding observations.

SOLOMON ISLANDS

449. The Committee considered the initial report of the Solomon Islands on the implementation of the Covenant (E/1990/5/Add.50) at its 38th and 39th meetings, held on 18 November 2002, and made public, at its 56th meeting, held on 29 November 2002, the following concluding observations.

A. Introduction

450. The Committee welcomes the submission of the initial report of the Solomon Islands, which was prepared generally in conformity with the Committee's guidelines. However, the Committee regrets that the State party did not provide written replies to the list of issues (E/C.12/Q/SOL/1). The Committee also regrets the absence of a delegation from the State party, which prevented the Committee from having a detailed and constructive dialogue with representatives of the State party.

B. Positive aspects

451. The Committee welcomes the conclusion of a technical cooperation agreement between the Office of the United Nations High Commissioner for Human Rights and the Government of the Solomon Islands in 2001. The Committee encourages the expansion in this agreement of activities which specifically focus on economic, social and cultural rights.

452. The Committee welcomes the initiatives undertaken by the State party in the field of constitutional reform, as well as the programmes established with a view to strengthening the rule of law, supporting the truth and reconciliation process and strengthening civil society with international assistance and cooperation.

C. Factors and difficulties impeding the implementation of the Covenant

453. The Committee considers that the recent economic recession, worsened by a high rate of generalized poverty and an economy of subsistence, as well as social tension and political instability, have impeded the implementation of economic, social and cultural rights contained in the Covenant.

D. Principal subjects of concern

454. The Committee is concerned about the inadequate representation of women at all levels of decision-making bodies of the State party and the persistence of patriarchal attitudes in the society.

455. The Committee is also concerned that 45 per cent of the population aged 14 and above are involved in unpaid work, as pointed out in the State party's initial report (E/1990/5/Add.50, para. 26). The Committee is further concerned at the high rate of unemployment and underemployment in the State party, especially among women and young people.

456. The Committee is concerned that the State party has not ratified most of the main ILO conventions relating to economic, social and cultural rights.

457. The Committee is also concerned that the erosion of the traditional social support among relatives and the *wantok* system is not being complemented and supported by some other forms of social assistance.

458. The Committee is alarmed at the high incidence of domestic violence against women and children in the State party.

459. While commending the intensive efforts made by the State party to combat malaria, the Committee notes with concern that malaria remains a major public health problem in the State party. The Committee is also concerned that acute respiratory infections, as well as sexually transmitted infections, remain the main cause of health problems, as indicated in the *Human Development Report 2002*, published by UNDP.

460. The Committee is concerned that malnutrition, especially among young people, is widespread, despite the fact that food supplies are available in almost sufficient quantities in all parts of the country.

461. The Committee is also concerned that many communities in the State party do not have access to safe drinking water and proper sanitation facilities, which poses severe health risks to them.

462. The Committee is deeply concerned that primary education is not compulsory in the State party, as provided for in article 14 of the Covenant. The Committee notes furthermore that the cost of textbooks, stationery and teaching materials makes them unaffordable for many parents and makes primary education inaccessible to many.

463. The Committee is concerned that fewer girls than boys enrol in primary schools and that there is a high dropout rate among girls in both primary and secondary schools.

464. While noting the considerable efforts made by the State party to reduce illiteracy, the Committee remains concerned that illiteracy, especially among women, poses a grave problem.

E. Suggestions and recommendations

465. The Committee recommends that a national plan of action for human rights be formulated. The Committee requests the State party to attach a copy of that plan of action to its second periodic report and to provide information on the implementation of the plan and how it promotes and protects economic, social and cultural rights.

466. The Committee urges the State party to take all effective measures to prohibit discrimination on the basis of nationality or sex in all fields of economic, social and cultural life. In addition, the Committee requests the State party to provide, in its next periodic report, detailed information about any government policies, programmes and measures adopted to assist in the implementation of the legislation on equality between men and women, as provided for in article 2, paragraph 2, and article 3 of the Covenant.

467. The Committee also urges the State party to design and implement a national job-creation programme and to provide vocational training, in particular to women and young people. The Committee recommends that the State party encourage the establishment of small businesses, including through the creation of accessible credit schemes.

468. The Committee requests that the State party provide, in its next periodic report, detailed information on the Trade Unions Act, mentioned in the State party's initial report (ibid., para. 91)

469. The Committee recommends that the State party consider ratifying the main ILO Conventions relating to economic, social and cultural rights, such as Conventions No. 87 (1948) concerning freedom of association and protection of the right to organize, No. 98 (1949) concerning the right to organize and collective bargaining and No. 182 (1999) concerning the prohibition and immediate action for the elimination of the worst forms of child labour.

470. The Committee also recommends that the State party take effective measures to address the problem of the erosion of traditional support system and *wantok* communities, particularly in rural areas, and complement and support such a system by some other forms of social assistance.

471. The Committee urges the State party to adopt and implement effective legislative and administrative measures to protect members of the family, particularly women and children, from domestic violence. The Committee recommends that the State party establish support services for victims of domestic violence and take steps to sensitize law enforcement officials and the general public to the gravity of this issue.

472. The Committee also urges the State party to fully integrate human rights, particularly economic, social and cultural rights, in its poverty-reduction strategies. In this regard, the Committee refers the State party to the former's Statement on poverty and the International Covenant on Economic, Social and Cultural Rights.[16]

473. The Committee further urges the State party to address the problem of malnutrition, including through seeking assistance from international organizations.

474. The Committee urges the State party to seek international cooperation and assistance with a view to ensuring access to safe drinking water and adequate sanitation systems for all rural and urban communities.

475. The Committee also urges the State party to intensify its malaria control programme and to address the problem of acute respiratory infections and sexually transmitted diseases, inter alia, through appropriate education and training of caregivers at all levels. The Committee encourages the State party to continue its close cooperation with WHO and other health-care organizations in this regard.

476. The Committee further urges the State party to take steps to ensure that all children are able to fully exercise their right to free and compulsory primary education, in accordance with article 14 of the Covenant, and to seek assistance from UNESCO in this regard. The Committee refers the State party to its general comment no. 11 (1999) on plans of action for primary education (art. 14 of the Covenant).

477. The Committee recommends that the State party take effective measures, including programmes which explicitly target parents, to eliminate gender disparity in enrolment rates both at primary and secondary education levels.

478. The Committee also recommends that the State party increase its efforts to reduce the high rate of illiteracy, especially among women.

479. The Committee encourages the State party to provide human rights education in schools at all levels and to raise awareness about human rights, in particular economic, social and cultural rights, among State officials and the judiciary.

480. The Committee requests that the State party disseminate the present concluding observations as widely as possible among the State institutions concerned and the general public.

481. The Committee urges the State party to include in its second periodic report updated and detailed information, backed up by statistical and comparative data, on the concrete measures it has taken to address the principal subjects of concern and to implement the recommendations contained in the present concluding observations. The Committee recommends that the State party avail itself of technical assistance from the Office of the United Nations High Commissioner for Human Rights and the relevant United Nations specialized agencies in the preparation and presentation of its next periodic report, as well as in the implementation of the concluding observations.

482. The Committee calls upon the State party to ensure that a delegation of the State party will be able to present its second periodic report to the Committee. If the State party so wishes, the Committee is willing to undertake a mission to the Solomon Islands with a view to assisting the State party in implementing its obligations under the Covenant, in the light of the present concluding observations.

483. The Committee requests the State party to submit its second periodic report by 30 June 2005.

ESTONIA

484. The Committee considered the initial report of Estonia on the implementation of the Covenant (E/1990/5/Add.51) at its 41st to 43rd meetings, held on 19 and 20 November 2002, and made public, at its 56th meeting, held on 29 November 2002, the following concluding observations.

A. Introduction

485. The Committee welcomes the submission of the initial report of Estonia, which was prepared in conformity with the Committee's guidelines. The Committee expresses its appreciation for the high quality of the written replies given to the list of issues (E/C.12/Q/EST/1) and for the satisfactory answers provided by the State party's high-level delegation during an open and constructive dialogue.

B. Positive aspects

486. The Committee commends the State party for the significant steps it has taken to bring its legislation in harmony with international human rights norms and, in particular, with the provisions of the Covenant. The Committee notes with satisfaction the State party's assurances that the provisions of the Covenant have been fully incorporated into the domestic legal system and may be invoked before the courts.

487. The Committee notes with appreciation that the State party, in the preparation of the report, encouraged the active involvement of civil society organizations. The Committee also commends the State party's efforts to make the outcome of its dialogue with United Nations human rights treaty bodies known to the public, including by making its reports available on the web site of the Ministry of Foreign Affairs and by translating the concluding observations of treaty bodies into Estonian.

488. The Committee welcomes the establishment in 2001 of the Office of the Legal Chancellor, who fulfils the functions of an Ombudsman and whose mandate includes economic, social and cultural rights, and the efforts to make this institution easily accessible through the creation of a number of regional offices.

489. The Committee notes with satisfaction the recent reduction in unemployment. According to information supplied by the delegation, the unemployment rate has been reduced from 14.8 per cent at the beginning of 2001 to 9.4 per cent in the second quarter of 2002. The Committee also commends the State party on its targeted efforts to combat unemployment among high-risk groups, including those affected by long-term unemployment, young people, people with disabilities and rural women.

490. The Committee welcomes the adoption of the Trade Unions Act of 14 June 2000, which formalized free and independent trade unions in Estonia.

491. The Committee commends the State party on its initiatives in the area of public health, which have led to a number of improvements, including a reduction in infant mortality, from 15.4 per 1,000 in 1993 to 8.4 in 2000, and in maternal mortality, from 0.47 per 100,000 in 1995 to 0.13 in 1999. The Committee notes with satisfaction that public awareness campaigns have been launched in order to combat the phenomenon of widespread alcohol and tobacco abuse.

492. The Committee welcomes the measures undertaken to protect the rights of persons with disabilities, including the introduction of a social welfare scheme to cover additional expenses incurred due to disability.

493. The Committee notes with satisfaction that many cultural activities, such as theatrical performances, concerts, ballet and the like, continue to be subsidized in order to encourage the widest possible attendance.

C. Factors and difficulties impeding the implementation of the Covenant

494. In the view of the Committee, there are no factors or difficulties impeding the implementation of the Covenant in the State party.

D. Principal subjects of concern

495. The Committee expresses its concern that unemployment rates are higher in certain regions of the State party than in others and that the unemployment rate for ethnic minorities is around 16.6 per cent, which is well above the national average of around 9.9 per cent. The Committee also notes with concern the high rate of unemployment among older women and single mothers.

496. The Committee expresses its concern that convicted prisoners in the State party are required to perform forced or compulsory work and that they face "penalties" in the form of loss of privileges, such as early release, if they refuse to do so.

497. The Committee is also concerned about the marked difference in the wages of men and women. The Committee takes notes that, although it is possible to seek legal redress in cases of discrimination in employment and remuneration, few women have as yet sought such relief.

498. While taking note that the minimum wage has increased over the past years compared with the consumer price index, the Committee is concerned that the minimum wage is still insufficient to provide a worker and his/her family with a decent standard of living.

499. The Committee expresses its concern that the State party's legislation on the right to strike for civil servants contains restrictions which are not in conformity with international norms.

500. The Committee also expresses its concern that unemployment benefits, which are calculated at 50 per cent of the amount earned in a previous job, may in some cases be insufficient to secure a decent standard of living for a worker and his/her family.

501. The Committee further expresses its concern that recent studies suggest that many cases of domestic violence still go unreported.

502. The Committee is concerned about the continually rising incidence of trafficking in women.

503. The Committee is also concerned about the extent of the problem of street children in Estonia.

504. The Committee is further concerned that the law allows the work of children between 13 and 15 with the written consent of one parent or a guardian and the labour inspector, and that the list of permissible work includes that of an industrial nature.

505. The Committee is concerned that the improved economic situation in the State party has not yet resulted in the reduction of the poverty level and economic inequalities between its populations. In this regard, the Committee notes with regret that it did not receive adequate information on how the national poverty line is defined and on the number of people living below the poverty line.

506. The Committee is deeply concerned about the lack of social housing, as acknowledged by the State party.

507. The Committee is concerned that the measures taken by the State party to address the growing problem of homelessness are insufficient, as they focus solely on providing shelter to the homeless rather than dealing with the underlying causes of homelessness.

508. The Committee expresses its concern that forced evictions may be carried out in the State party without provision for alternative lodging or adequate compensation.

509. The Committee notes with regret that the statistical data received on the health situation in the State party lacked disaggregation on a comparative basis and thus did not provide a sufficient basis for the Committee to monitor effectively the implementation of the Covenant.

510. The Committee expresses its concern that, in spite of the measures undertaken by the State party to combat HIV/AIDS, the incidence of reported new cases is still very high.

511. The Committee notes with concern the high rate of cases of tuberculosis.

512. The Committee is concerned about the high morbidity rate due to alcohol and tobacco abuse, particularly among men.

513. While recognizing that affordable contraception is widely available in the State party, the Committee expresses its concern that abortion is still commonly used as a method of birth control, which puts the health of women at risk.

514. The Committee notes with concern the high dropout rates among children in primary and secondary schools.

515. The Committee is concerned about the persistent lack of attention to the issue of minority languages and cultural rights, including the realization of the right to education in minority languages.

E. Suggestions and recommendations

516. In the light of paragraph 71 of the Vienna Declaration and Programme of Action,[8] the Committee recommends that the State party pursue the preparation and development of a comprehensive national plan of action to implement its obligations under its international human rights instruments, including the Covenant, through an open and consultative process. The Committee requests the State party to include in its second periodic report a copy of the national human rights plan of action and information on its implementation.

517. The Committee urges the State party to intensify its efforts to encourage investment and development in the regions of Estonia with the highest unemployment rate with a view to providing employment for workers affected by restructuring programmes, particularly in the heavy industry and agrarian sectors.

518. The Committee recommends that the State party make work for convicted prisoners conditional on their consent, in conformity with ILO Convention No. 29 (1930) concerning forced or obligatory labour.

519. The Committee also recommends that the State party review its legislation in order to prohibit under all circumstances the work of children under the age of 15.

520. The Committee further recommends that the State party intensify its efforts to ensure the right of equal remuneration for men and women for work of equal value, including through public awareness-raising campaigns. The Committee also recommends in this regard that the State party ratify ILO Convention No. 111 (1958) concerning discrimination in employment and occupation.

521. The Committee recommends that the State party undertake the necessary measures to ensure that the minimum wage is sufficient to secure a decent standard of living for a worker and his/her family.

522. The Committee also recommends that the State party undertake measures to amend the Public Service Act, with a view to lifting the restrictions imposed on civil servants' right to strike, in conformity with ILO norms.

523. The Committee further recommends that the State party undertake the necessary measures to ensure that the lowest level of unemployment benefit is sufficient to secure a decent standard of living for a worker and his/her family.

524. The Committee recommends that the State party intensify its efforts to combat domestic violence, including through ensuring the availability and accessibility of crisis centres where victims of domestic violence can find safe lodging and counselling.

525. The Committee also recommends that the State party take effective measures to combat trafficking in women, including through ensuring that traffickers are prosecuted. The Committee calls upon the State party to ratify the international instruments aimed at intensifying cooperation in this field among States.

526. The Committee further recommends that the State party address the situation of street children with a view to eliminating the underlying causes of the problem. The Committee requests the State party to provide detailed information as well as up-to-date and comparative statistics on this issue in its next periodic report.

527. The Committee urges the State party to monitor closely the level of poverty and to provide in its next periodic report disaggregated and comparative data on the number of people living below the poverty line. The Committee furthermore recommends that the State party integrate human rights, including economic, social and cultural rights, into the formulation of a national strategy for poverty reduction. In this regard, the Committee refers the State party to the Committee's Statement on poverty and the International Covenant on Economic, Social and Cultural Rights.[16]

528. The Committee recommends that the State party allocate sufficient resources for the provision of social housing, especially to the disadvantaged and marginalized groups.

529. The Committee also recommends that the State party intensify its efforts to combat the problem of homelessness.

530. The Committee further recommends that the State party ensure that alternative lodging or adequate compensation is provided for people who are evicted from their homes and, in this regard, refers the State party to the guidelines set out in its general comment no. 7 (1997) on the right to adequate housing (art. 11, para. 1, of the Covenant): forced evictions.

531. The Committee recommends that the State party, in its next periodic report, provide more disaggregated and comparative data on public health, including an indication of indicators and

benchmarks used in its national health strategies, as explained in paragraphs 57 and 58 of the Committee's general comment no. 14 (2000) on the right to the highest attainable standard of health (art. 12 of the Covenant).

532. The Committee also recommends that the State party take measures, in line with general comment no. 14 (2000), to ensure that adequate and affordable health care is accessible and available to everyone, especially older women in rural areas.

533. The Committee further recommends that the State party intensify its efforts to control the spread of HIV/AIDS, including through public information campaigns, and report on progress thereon in its next periodic report.

534. The Committee recommends that the State party intensify its efforts to combat the spread of tuberculosis.

535. The Committee urges the State party to ensure the effective implementation of national strategies and measures to address the problem of alcohol and tobacco abuse.

536. The Committee recommends that the State party promote a general awareness of safe contraceptive methods, as well as sexual and reproductive health information, and instil awareness about the health risk of using abortion as a method of birth control.

537. The Committee also recommends that the State party strictly enforce the domestic and international standards for environmental protection, so as to prevent harmful effects to the health of the population in Estonia.

538. The Committee requests the State party to take all appropriate measures to address the problem of high dropout rates among children in primary and secondary schools.

539. The Committee also requests the State party to provide in its next periodic report statistical data detailing the enrolment rate, at all levels of education, disaggregated by gender. The Committee refers the State party to the Committee's general comment no. 13 (1999) on the right to education (art. 13 of the Covenant) for guidance on how to prepare the information on the right to education in its report. The Committee draws the attention of the State party to the recommendations of the Dakar Framework for Action, especially the Regional Framework for Action for Europe and North America, adopted at the World Education Forum in April 2000.

540. The Committee recommends that the National Minorities Cultural Autonomy Act be revised to provide for the expedient and full recognition of the rights of minority groups. The Committee also calls upon the State party to ensure that ethnic groups continue to have ample opportunities to be educated in their own languages, as well as to use these languages in public life.

541. The Committee encourages the State party to provide human rights education in schools at all levels and to raise awareness about human rights, in particular economic, social and cultural rights, among State officials and the judiciary.

542. The Committee requests the State party to disseminate the present concluding observations widely at all levels of society, and in particular among State officials and the judiciary, and to inform the Committee, in its next periodic report, of all steps taken to implement them.

543. Finally, the Committee requests the State party to submit its second periodic report by 30 June 2007, and encourages the State party to consult with non-governmental organizations and other members of civil society in the preparation of the report.

CHAPTER V

Substantive issues arising in the implementation of the International Covenant on Economic, Social and Cultural Rights

A. Meeting, organized in cooperation with UNESCO, on follow-up to the Committee's day of general discussion on the right to education (arts. 13 and 14 of the Covenant) and to the World Education Forum (Dakar, April 2000)

1. Introduction

544. At its twenty-eighth session, on 14 May 2002, the Committee held a meeting, organized in cooperation with UNESCO, on follow-up to the Committee's day of general discussion on the right to education (arts. 13 and 14 of the Covenant), held on 30 November 1998,[32] and to the World Education Forum, held in Dakar, from 26 to 28 April 2000.

545. The meeting was attended by the following representatives of specialized agencies, funds and programmes: Mr. Georges Malempré, Ms. Mary Joy Pigozzi, Mr. Kishore Singh and Mr. John Smith (UNESCO); Mr. Alfredo Sfeir-Younis (World Bank); Ms. Miriam Maluwa (UNAIDS); Mr. Bill Ratteree (ILO); and Mr. André Legrand (European Association for Education Law and Policy, and President, University of Paris X-Nanterre, France). The meeting was also attended by several non-governmental organizations as observers.

546. The following documents were submitted to the Committee for the purpose of the meeting:

(*a*) Document submitted by UNESCO: "The constitutional provisions on the right to education and modernizing/developing national legislation in keeping with the State obligation/government responsibility under the Dakar Framework for Action" (E/C.12/2002/SA/2);

(*b*) Document submitted by UNESCO: "Preparation, implementation and evaluation of the national action plans as provided for in the Dakar Framework for Action and their relation with the general comments on articles 13 and 14 of the International Covenant on Economic, Social and Cultural Rights" (E/C.12/2002/SA/3);

(*c*) Document submitted by UNESCO: "Preparation of UNESCO's monitoring report on the implementation of the Dakar Framework for Action and possible contribution by the Committee on Economic, Social and Cultural Rights in developing conceptual framework" (E/C.12/2002/SA/4);

(*d*) Text of the joint statement of 26 April 2002, made by Heads of UNESCO, UNDP, UNFPA, UNICEF and the World Bank on the occasion of the second anniversary of the World Education Forum;

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[32] See *Official Records of the Economic and Social Council, 1999, Supplement No. 2* (E/1999/22-E/C.12/1998/26), chap. V, paras. 462-514.

(*e*) Written submission by the Organización de Estados Iberoamericanos para la Educación, la Ciencia y la Cultura;

(*f*) Written submission by the International Organization for the Development of Freedom of Education;

(*g*) Written submission by Mr. Jan De Groof, President, European Association for Education Law and Policy;

(*h*) Written submission by Mr. Claudio Zanghi, President, International Centre of Sociological, Penal and Penitentiary Research and Studies, Messina, Italy.

2. Opening remarks

547. Ms. Bonoan-Dandan, the Chairperson of the Committee, opened the meeting, recalling the adoption of its general comments no. 11 (1999) on plans of action for primary education (art. 14 of the Covenant) and No. 13 (1999) on the right to education (art. 13 of the Covenant), as well as the intention of the Committee to enhance its follow-up activities. She pointed out that, according to both the Dakar Framework for Action adopted at the World Education Forum and the International Covenant on Economic, Social and Cultural Rights, the fulfilment of the promise of education for all lies at the country level. Welcoming the continued cooperation with UNESCO, and in particular with regard to exploring ways of improving follow-up to the Dakar Framework for Action, she mentioned that follow-up on the implementation of the right to education by States parties to the Covenant could include asking States parties on actions undertaken and progress achieved in fulfilling their commitments under the Framework for Action, especially the adoption of a National Plan of Action.

548. Mr. Malempré (UNESCO) said that this meeting was a landmark event in the ongoing process of collaboration between the Committee and UNESCO. He recalled the commitments of the World Education Forum, which include comprehensive early childhood care and education; ensuring that by 2015 all children, particularly girls and those belonging to ethnic minorities, had access to free and compulsory primary education of good quality; ensuring equitable access to appropriate learning and life skills programme for adults and young people; achieving a 50 per cent improvement in levels of adult literacy by 2015; eliminating gender disparities in primary and secondary education by 2005, and achieving gender equality in education by 2015. He underlined the pertinence of the joint statement on 26 April 2002, made by the Heads of UNESCO, UNDP, UNFPA, UNICEF and the World Bank on the occasion of the second anniversary of the World Forum. The statement was highly significant as it stipulated that "Governments have the responsibility of providing basic education for all. Access to education is a fundamental human right. Millions of people legitimately expect to have access to quality education but public investments and policy reforms have not always been adequate or appropriate." Mr. Malempré expressed the hope that the discussion explore these issues.

549. He noted with satisfaction that the Committee systematically follows up on the World Education Forum in the Committee's dialogue with States parties. Furthermore, the concluding observations of the Committee at the end of their dialogue with States parties provide perspectives for UNESCO's possible role in assisting its member States in achieving education

for all. Cooperation will enable both UNESCO and the Committee to explore ways of linking the Dakar Framework for Action with, among others, articles 13 and 14 of the International Covenant on Economic, Social and Cultural Rights and how best to reinforce the constitutional and legislative bases of the right to education.

550. Finally, Mr. Malempré said that one of the major issues to be tackled involved the strengthening of monitoring systems at the national level, incorporating a rights-based approach. At the international level, UNESCO looked forward to benefiting from the Committee's experience in incorporating a rights-based approach in future annual monitoring reports on education for all. It was of prime importance to see how the legal obligations of States in respect of the right to education were reflected in national legal systems. How could the legal basis for the right to education be strengthened so as to make education accessible to all, without discrimination or exclusion? In a globalized world, allowing a situation to persist where there were educational "haves" and "have-nots" would not only be unacceptable but dangerous.

551. Mr. Pillay said that it was clear from a comparison of the Dakar Framework for Action and the Covenant that the political commitments undertaken under the former were also legal obligations under the latter. The mention of the responsibility of the national Government to respect the right to education that figured in the Framework for Action was not required in the Covenant because the latter automatically entailed legal obligations.

552. Mr. Sadi asked what mechanisms UNESCO envisaged for monitoring progress, whether UNESCO envisaged a reporting or inquiry mechanism similar to those existing in the treaty body system, whether there were plans to send visiting delegations to examine the situation in each country, and if UNESCO agreed that since Governments have made a solemn declaration for action there was also a legal obligation under the Dakar Framework for Action. Mr. Sadi was not so sure that the Framework for Action was a uniquely political document that did not entail legal obligations. He asked what the interpretation of UNESCO was in that regard.

553. According to Mr. Grissa, education should be seen as an investment and education should be considered not only from the legal perspective but also as an economic factor. Education was not a form of consumption, but a productive investment. It was very surprising, in his opinion, that certain States chose not to invest in education, instead opting for short-term rewards. The biggest difference between the least developed countries and those that had succeeded in development could be seen in the amounts invested in education. No investment had a more powerful equalizing effect. Those countries that do not invest in education are penalizing themselves for the future. Citing Tunisia, where investment in education was curtailed in order to subsidize bread, he said that national Governments should be made aware that investment in education is in their future interest even at the expense of current consumption.

554. Mr. Marchán Romero noted that the focus of the Dakar Framework for Action and the documents submitted by UNESCO was on the legal obligations of States and the policies they must carry out in respect of those obligations. Yet there was no mention of integrating a practical human rights component into primary and secondary education programmes. Education was of the utmost importance to the full development of the human person. It was therefore imperative that children should learn about the role education could play as an instrument of human rights.

555. Mr. Wimer Zambrano said that in the past international agencies had underscored the importance of education as an economic investment, but that they had apparently ceased doing so. He wondered why UNESCO had stopped emphasizing the economic benefits of investment in education.

556. Mr. Sadi pointed out, with respect to Mr. Marchan Romero's remark, that in countries where human rights were introduced into education there have been few results; intolerance and hatred still prevail. If human rights are introduced, they must be made effective and should promote tolerance.

557. Mr. Sfeir-Younis (World Bank) said that, since 1963, the World Bank has provided 30 billion United States of America dollars in loans and credits and currently finances 164 projects in 82 countries around the world, and intends to increase the resources for education. Some of the key issues that are being focused on by the Bank are: the education of the girl child; the elimination of user fees in schools, especially primary schools; the negative effects of the HIV/AIDS pandemic, not only on children, but also on teaching staff; and countries in conflict. Features that would facilitate progress of education for all are, inter alia, efficient and effective use of resources, a focus on educational quality and making schooling accessible and effective. Finally, Mr. Sfeir-Younis pointed out the need to make the connection between the right to education and the Millennium Development Goals agreed upon at the Millennium Assembly.[33] Investment in education, which was at the root of empowerment and fundamental to development, must be accompanied by action in other critical areas of development such as health and nutrition. At the same time, education for all programmes must encompass non-formal education, and unresolved questions on the quality of education and how that quality was to be measured must be addressed.

558. Ms. Maluwa (UNAIDS) said that success in combating HIV/AIDS was directly proportional to the degree to which human rights, including the right to education, were promoted and protected. Education could reduce the negative impact of AIDS by establishing the conditions that made HIV transmission less likely and by promoting preventive behaviour. However, the AIDS epidemic presented particular challenges to the education sector; in the countries most affected by it, the human resources base in the sector was being rapidly eroded and the number of students was falling. There was a need to create a supportive environment to facilitate access to education, to ensure that HIV/AIDS issues were fully taken into account in the education system and to enhance human rights education.

559. UNAIDS, in cooperation with other United Nations agencies and non-governmental organizations, had focused on training key national partners, including human rights and AIDS service organizations and political leaders. It worked especially closely with UNESCO, with which it had conducted regional training workshops in Asia and Africa. The areas covered in the training included discrimination in relation to HIV/AIDS, the rights of vulnerable populations, access to medication, gender equality and the prevention of mother-to-child transmission. UNAIDS focused on three priority areas to maximize the positive impact of education in

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[33] A/56/326, annex.

reducing HIV/AIDS transmission: the provision of education for AIDS orphans and children who headed households or who had been displaced as a result of AIDS; the integration of AIDS education into non-formal education programmes; and the development of innovative education programmes for young girls.

560. Ms. Pigozzi (UNESCO), responding to some of the points raised in the discussion, said that although the Dakar Framework for Action might not have the legal force of an international convention, it constituted a strong moral obligation for signatories and was a powerful instrument for change when used in conjunction with existing legal obligations. It was true that the Framework for Action did not dwell on the argument that education was an excellent economic investment, perhaps because it was taken as a given by the drafters or because development had come to be seen in human rather than purely economic terms, but there was no shortage of strong evidence to support that argument. With regard to the discouraging results of attempts to integrate a human rights perspective into education, UNESCO had reached the conclusion, which was embedded though perhaps not very clearly articulated in the Framework for Action, that it was not enough simply to convey information about human rights: human rights had to be embodied and practised in the education system. On the question of HIV/AIDS in the context of the right to education, education systems must address the crisis in two ways: first, they must teach students about prevention and, second, they must be responsive to the needs of both the children affected by the disease, such as orphans, and those infected by it, to ensure there was no discrimination against them.

561. Mr. Singh (UNESCO) said that the Dakar Framework for Action drew some legal force from references to it, or to its main points, in texts such as the UNESCO Constitution, in which member States stated their "belief in full and equal opportunities for education for all", relevant international instruments, and Commission on Human Rights resolution 2001/29 on the right to education of 20 April 2001. As far as investment in education was concerned, UNESCO compiled detailed statistics on it and took the view that education was a public good that should be adequately funded.

562. Mr. Ceausu drew attention to the commitments in the Dakar Framework for Action to mobilize the necessary financial resources and address the problem of chronic underfunding in the education sector and contrasted those commitments with the reality in countries in transition, where the educational infrastructure was crumbling, teaching materials were out of date, teachers' salaries were low and scholarships were disappearing. The problem was not a lack of resources per se, but the low priority given to education when resources were distributed and, above all, widespread corruption. The international institutions that provided funding and support for education, including the World Bank, IMF and UNESCO, should attach conditions to their loans, as the European Union did, to force Governments to increase educational budgets and combat corruption.

563. Mr. Sadi said that the Dakar Framework for Action could be taken as imposing legal obligations on signatories insofar as it was based on rights recognized in existing international instruments. The time was coming when the term "quality education" would have to be defined; too many education systems were transmitting doctrinaire ideas and values. He would be interested to know if the World Bank, which appeared to focus its attention on classical classroom methods, was contemplating investing in more modern and cost-effective teaching methods.

564. Mr. Ratteree (ILO) said that ILO unreservedly supported efforts to ensure the right to education, especially those expended by UNESCO and its partners regarding the implementation of the Dakar Framework for Action. ILO had in recent years concentrated on three main areas: improving the status of teachers; the International Programme on the Elimination of Child Labour, focusing mainly on the linkage between the latter and education; and ensuring high-quality secondary education, particularly technical and vocational training, and its association with the world of work, including lifelong learning.

565. ILO's work on the status of teachers was conducted in close cooperation with UNESCO, in particular through the Joint ILO/UNESCO Committee of Experts on the Application of the Recommendation concerning the Status of Teachers, which met every three years to review the status of teachers worldwide. The most recent example of the Joint Committee's efforts to broaden its cooperation with other international bodies had been the participation of the Special Rapporteur on the right to education of the Commission on Human Rights in its 2000 meeting, which would be repeated in the meeting of the Joint Committee in 2003.

566. Mr. Ratteree was heartened by the increasing attention paid by the specialized agencies and by national bodies to improving the status of teachers. Unless teachers' rights as enshrined in international labour standards were respected, there could be no basis for genuine partnership with Governments for attaining educational objectives. ILO's latest initiative in pursuit of education for all goals was a programme on the linkage between the quality of teachers and issues such as social dialogue. Teachers also had responsibilities, and the code of conduct set out in the recommendation concerning the status of teachers[34] would be of interest to the Committee.

567. Mr. Ratteree concluded by suggesting as a possible approach ILO's recommendation in this regard, i.e. that States parties meet a minimum standard of investment in education, perhaps 6 per cent of GNP. There were many issues that impeded attainment of such a goal, but it was important to set a benchmark and seek ways of obtaining the requisite resources for a high-quality education system.

3. Discussion on the preparation, implementation and evaluation of the national action plans as provided for in the Dakar Framework for Action and their relation to the general comments on articles 13 and 14 of the Covenant (E/C.12/2002/SA/3)

568. Ms. Pigozzi (UNESCO) said that cooperation with the UNESCO Working Group on Education for All was extremely important. The Dakar Framework for Action called upon countries to develop by the end of 2002 a national Education for All plan that responded to the six commitments reached at Dakar. Education should fit into the larger development framework, and it was important to link national plans on education for all to other planning instruments. Virtually all countries already had an education plan. Sectoral planning mechanisms, including poverty-reduction strategies, which covered all sectors, were also in place.

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[34] Adopted by the Special Intergovernmental Conference on the Status of Teachers, Paris, 5 October 1966.

569. The Working Group on Education for All could assist UNESCO in several ways. It must be clearly understood that education for all was not only about primary education, but all types and levels of education. Ms. Pigozzi therefore urged the Committee to encourage States parties to ensure that their periodic reports covered all aspects of education. The linkage between Education for All plans and other planning mechanisms presented an opportunity to ensure that human rights were embedded in all educational planning instruments.

570. Other potential areas of cooperation were compulsory education and more effective participation by civil society in education planning. In some countries civil society organizations were not allowed to operate with any degree of independence.

571. Mr. Hunt said that the ending of primary-school fees in some States parties, in conformity with article 13 of the Covenant, was a welcome development, as primary education must not be financed by the poor.

572. In paragraph 9 of the Dakar Framework for Action, all States were requested to develop or strengthen existing national plans of action on education for all by the end of 2002. There was a striking convergence between that paragraph and article 14 of the Covenant, which also required free, compulsory primary education, to which the Committee had devoted its general comment no. 11 (1999) on plans of action for primary education. The parallels were clear: both the Committee and UNESCO had experienced difficulty in extracting plans from States parties. UNESCO had recently adopted its Medium-Term Strategy for 2002-2007, in which reference was made to support for member States in the development of legal instruments for promoting universal access to basic education. That echoed the Committee's pleas to States parties to enact legislation on the right to education pursuant to article 13 of the Covenant.

573. The Committee, in its concluding observations on a number of countries, had stated its concerns regarding Education for All plans, and its intention to support UNESCO in encouraging States to develop those plans as expeditiously as possible. The Committee should continue this practice of asking States parties about their Education for All plans. It might ask them also to annex their Education for All plans to their periodic reports; the Committee could then discuss the plans with reference to articles 13 and 14 of the Covenant and its general comments no. 11 (1999) and No. 13 (1999) on the right to education (art. 13 of the Covenant). UNESCO could also provide the Committee with analyses of national Education for All plans.

574. Mr. Hunt suggested that Education for All plans could be scrutinized either by the future joint UNESCO/Committee on Economic, Social and Cultural Rights expert group on the monitoring of the right to education or by the Committee itself during its dialogue with States parties. It might be helpful if the United Nations High Commissioner for Human Rights and the Director-General of UNESCO, or the latter and the Committee, sent a joint letter to States urging them to prepare both their Education for All plans and their Covenant article 14 plans of action as soon as possible.

4. Preparation of UNESCO's monitoring report on the implementation of the Dakar Framework for Action, and possible contribution by the Committee on Economic, Social and Cultural Rights in developing a conceptual framework

575. Ms. Pigozzi (UNESCO) said that annual monitoring reports would indicate progress with regard to each of the six Dakar Framework for Action commitments. While the international community had a role to play in monitoring, there was scant interest in investing resources in new international monitoring mechanisms; it was more practical to enhance existing mechanisms. One major player was the UNESCO Institute for Statistics, which was cooperating with a number of other agencies that regularly collected data on education.

576. As well as periodic reviews of progress, UNESCO envisaged making country visits. Each annual monitoring report might focus on a different aspect, such as gender parity, rights-based education or the quality of education. There was a clear interest in focusing on teachers as key players. If the Committee was in agreement, it would be useful to discuss how it might contribute to preparation of the reports.

577. Mr. Riedel said that the Committee was honoured to be able to contribute to UNESCO's vital work towards education for all. While the two bodies had different approaches, the Committee monitored the credibility of data provided by States parties, matters that were also of concern to UNESCO. It might wish to use the Committee's general comments no. 11 (1999) and No. 13 (1999) as a human rights checklist, since they explain the general and specific legal obligations and minimum core obligations with respect to the right to education, including primary education. It was very encouraging that the exemplary cooperation that the Committee had enjoyed with UNESCO over the past few years was also being developed with other agencies.

578. Mr. Texier said that it was all very well for countries to adopt a national action plan but, in order to assess how the Committee's recommendations had been followed up, it needed to know exactly how the plans were implemented. Although Governments were primarily responsible for providing basic education for all, a commitment had been made to help developing countries to formulate and finance education for all strategies. The Education for All partners were represented in most developing countries; it would be interesting to know what steps they had taken to help Governments to prepare their plans. Mr. Texier wondered whether it was necessary to take a country-specific approach, or if a regional framework plan could be used.

579. Mr. Legrand (European Association for Education Law and Policy and President, University of Paris X-Nanterre, France) said that one of the major challenges faced by the European Union in the field of education was how to adapt its education system to the growing heterogeneity of European society. Measures had to be adopted to address the impact on education of the growing phenomenon of immigration. For example, there was a risk that some sectors of the immigrant population might be denied the right to education because of traditional practices such as forced or early marriage. As educational standards improved, it was important to ensure that the gap did not widen between young people who achieved higher levels of education and those who did not; it was essential to maintain the notion of equal access for all to education. Another challenge was the issue of juvenile delinquency, a problem in many European countries.

5. Constitutional provisions on the right to education and developing national legislation in keeping with government responsibilities under the Dakar Framework for Action

580. Mr. Singh (UNESCO) stated that one of the key factors impeding the right to education was lack of legislation. The legal implications of the Dakar Framework for Action had been underlined at the World Education Forum. Many countries had drafted new legislation on the right to education, often after having consulted UNESCO. Case law could now be developed in those countries. For example, the Supreme Court of India had recently recognized that the right to education was a fundamental human right, and in accordance with India's obligations under the Covenant. India's Constitution had since been amended accordingly and new legislation was to be developed. In Kenya, the process of constitutional reform was ongoing, and UNESCO was working with several other agencies to develop a legal basis for the right to education.

581. The Committee and UNESCO should analyse legislative developments affecting the right to education and encourage the development of national legislation. The Dakar Framework committed Governments to strengthening national and regional mechanisms to ensure that education for all was on the agenda of every national legislature. The Committee and UNESCO should also analyse constitutional changes introduced by Governments in keeping with their responsibilities under the Covenant and the Framework for Action.

582. Mr. Pillay said that it was essential to consider how States fulfilled their Covenant obligations with regard to education and translated their commitments under the Dakar Framework into practice. The requisite education policies must be adopted and the right to education made justiciable.

583. The Dakar Framework for Action and the Committee's general comments no. 11 (1999) and No. 13 (1999) stated the elements that should be incorporated into national legislation: (*a*) non-discrimination and equal treatment; (*b*) education must be accessible to all, especially the most vulnerable groups; (*c*) temporary special measures were needed to bring about de facto equality for men and women and for disadvantaged groups; (*d*) immediate measures should be taken to provide free and compulsory primary education for all; and (*e*) basic education should be provided for all. If a State party was unable to provide free, compulsory primary education, it was under a legal obligation to at least draw up a plan of action to ensure realization of that right.

584. There should be a mechanism to ensure that States parties complied with their minimum core obligations, which included access to public educational institutions on a non-discriminatory basis; ensuring that education conformed to the objectives set out in article 13 of the Covenant; the provision of primary education for all; implementation of a national education strategy; and a free choice of education without interference, subject to minimum educational standards. In other words, there were many elements to the right to education that could be enforced and could form the basis of legislation. It was not enough for a State to enshrine the right to education in its constitution; legislation to implement the right was essential. Education was, moreover, recognized as one of the best financial investments States could make.

585. Finally, Mr. Pillay stressed that political will must be underpinned by resources. New financial resources, preferably in the form of grants and concessional assistance, must be mobilized to allow States parties to comply with their international obligations.

586. Mr. Malinverni said that, in order to implement its responsibilities under the Dakar Framework for Action, the most important measure that could be taken by a State was to introduce a constitutional provision on the right to education. Another solution would be to introduce appropriate legislation. An alternative solution would be to incorporate into the domestic legal order the relevant international conventions, thereby giving direct effect to the provisions contained in those instruments.

587. He also stated that the advantages of having a constitutional provision were that a parameter would be set by which the State's legislation and policies could be measured, and that any violations could be brought before a constitutional court. Any constitutional provision should guarantee free, compulsory and adequate primary education. It was equally important to guarantee that public schools should be non-denominational. Parents should be able to choose whether their children had a private or a public education. Some attention should also be paid to the right of teachers to choose what they taught, as that constituted a right to freedom of expression. A State could also introduce a plan of action to ensure the right to education, which, while being less compelling than a law, would allow targets to be set and results evaluated.

588. Mr. Malempré (UNESCO) said that the Education for All partners had made a commitment to work towards the implementation of the Dakar Framework for Action; they were working with the support of the international community and civil society to address the very different situations in various States parties. As an intergovernmental organization, UNESCO could help to secure commitments from various parties and could help States to formulate national policies. It could also provide some help in training professionals. However, the task of ensuring the right to human and personal development ultimately remained the responsibility of each State. Lastly, it was important to take into account the fact that local authorities, non-governmental organizations, civil society, the media and new technologies had an increasingly important role to play in the field of education.

589. In her concluding remarks, Ms. Bonoan-Dandan, the Chairperson of the Committee, said that she looked forward to discussing the role of the UNESCO/Committee on Economic, Social and Cultural Rights Joint Expert Group on the right to education, comprising representatives of the Committee and UNESCO, at a later date; the Joint Expert Group would strengthen the cooperation between the two bodies in the implementation of the next phase of the Dakar Framework for Action.

B. Day of general discussion: The equal right of men and women to the enjoyment of all economic, social and cultural rights (art. 3 of the Covenant)

1. Introduction

590. At its twenty-eighth session, on 13 May 2002, the Committee held a day of general discussion on the equal right of men and women to the enjoyment of all economic, social and cultural rights as enshrined in article 3 of the Covenant.

591. The day was also intended to lay the groundwork for the elaboration of a general comment dealing with relevant aspects of article 3.

592. Participants in the day of general discussion included: Ms. Savitri Goonesekere and Ms. Hanna Beate Schöpp-Schilling (Committee on the Elimination of Discrimination against Women), Ms. Marsha A. Freeman (Director, International Women's Rights Action Watch (United States of America)), Ms. Shelagh Day (Consultant on women's human rights and economic equity issues (Canada), Women's Economic Equality Project), Ms. Krisztina Morvai (Head, Women's Rights and Children's Rights Research and Training Centre, Eötvös Loránd University, Budapest), Ms. Katerine Landuyt (ILO), Mr. Miloon Kothari (Special Rapporteur of the Commission on Human Rights on adequate housing as an element of the right to an adequate standard of living), Ms. Elia del Carmen Sosa Nishizaki (Permanent Mission of Mexico to the United Nations Office at Geneva), Ms. Conchita Poncini (Non-Governmental Organizations Committee on the Status of Women), Ms. Leilani Farha (staff lawyer and manager, Women's Housing and Poverty Programme, Centre for Equality Rights in Accommodation (Canada)), Ms. Ingrid Westendorp (Maastricht University, the Netherlands), Ms. Ana Irma Rivera-Lassen (Latin America and the Caribbean Committee for the Defence of Women Rights), Ms. Irena Lieberman (Director of Legal Services, Tahirih Justice Center (United States of America)); and Ms. Maria Herminia Graterol (International Women's Rights Action Watch (Asia Pacific)).

593. The Committee had before it the following background papers:

(*a*) Background paper submitted by Ms. Ingrid Westendorp (lecturer in law, University of Maastricht, the Netherlands): "Women's right to adequate housing" (E/C.12/2002/4);

(*b*) Background paper submitted by Ms. Marsha A. Freeman (Director, International Women's Rights Action Watch, United States of America): "Equality and rights: article 3 of the International Covenant on Economic, Social and Cultural Rights" (E/C.12/2002/5);

(*c*) Background paper submitted by Ms. Leilani Farha (staff lawyer, Women's Housing and Poverty Programme Manager, Centre for Equal Rights in Accommodation (Canada)): "Re/Conceiving the human right to housing" (E/C.12/2002/6);

(*d*) Background paper submitted by the Center for Reproductive Law and Policy (United States of America): "Equal enjoyment of the right to health" (E/C.12/2002/7);

(*e*) Background paper submitted by Ms. Krisztina Morvai (Associate professor of Law, Eötvös Loránd University, Head of Women's Rights and Children's Rights Research and Training Centre, Budapest): "Domestic violence: an 'equal rights issue' - A history and analysis of Economic and Social Council and other United Nations documents on the prevention of and response to violence against women in the family" (E/C.12/2002/8);

(*f*) Discussion paper submitted by Ms. Shelagh Day (Consultant on women's human rights and economy equity issues (Canada)): "The meaning of article 3 and equal enjoyment by men and women of the rights in the Covenant".

2. Opening remarks

594. Ms. Bonoan-Dandan, Chairperson of the Committee, opened the day of general discussion by pointing out that women were the most unprivileged group living in the privileged men's world; furthermore, women frequently had to face up to the unequal conditions which are imposed on them by society. At present, there is no society which could claim that men and women fully enjoyed equal rights. Ms. Bonoan-Dandan regretted that such discrimination forms against women had become stereotypes in many societies, so that women are subject to de facto inequality which prevented them from the full enjoyment of their economic, social and cultural rights.

595. Since the 1993 Vienna Declaration and Programme of Action on Human Rights,[8] and the Programme of Action adopted by the Fourth World Conference on Women,[35] the Committee had gathered sufficient experience on article 3 of the Covenant.

596. Ms. Bonoan-Dandan asked if the Committee was looking for the adoption of a general comment on the equal right of men and women to the enjoyment of all economic, social and cultural rights as set forth in the Covenant or a general comment on equality of men and women.

3. Statements and discussion

597. Ms. Goonesekere (Committee on the Elimination of Discrimination against Women) pointed out that both the Committee on Economic, Social and Cultural Rights and the Committee on the Elimination of Discrimination against Women, through their respective instruments, had put forward the principle of indivisibility of human rights, therefore, both Committees should enforce each other's work, in order to promote and protect better economic, social and cultural rights for women. Ms. Goonesekere said many women lived in poverty because of the denial of their access to socio-economic rights. The Committee on Economic, Social and Cultural Rights demanded the integration of the socio-economic rights at the level of Constitutions and not only at policy level. The Committee on the Elimination of Discrimination against Women believed that States should play a vital role in the implementation of economic, social and cultural rights for women. This includes accountability mechanisms and measures, also by the private sector. Ms. Goonesekere said the Committee on the Elimination of Discrimination against Women focused on a balance between family responsibility and social responsibility. It sought to deal with such matters as domestic violence, inheritance law and family law, areas in which women are usually discriminated against. In addition, there should be an enforcement of policies and legal measures in the field of women's work, not only from the formal sector, but also from the informal sector. Another aspect pointed out in that day of general discussion by the Committee was the new issues arising, such as cross-border trafficking and sexual exploitation of women. Article 6 of the Convention on the Elimination of All Forms of Discrimination against Women is related to the International Covenant on Economic, Social and Cultural Rights on these issues. Finally, the Committee emphasized that a wrong understanding of and wrong focus on cultural rights could lead to damage to and denial of women's rights.

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[35] *Report of the Fourth World Conference on Women, Beijing, 4-15 September 1995* (United Nations publication, Sales No. E.96.IV.13), chap. I, resolution 1, annex II.

598. Ms. Schöpp-Schilling (Committee on the Elimination of Discrimination against Women) pointed out that the Committee on the Elimination of Discrimination against Women had been working for the last 20 years to ensure the equality between men and women. This was reflected in article 4 of the Convention on the Elimination of All Forms of Discrimination against Women, which was mandatory; but the members of the Committee are now realizing that many States parties do not understand its significance. In order to achieve de facto equality, temporary special measures should be adopted. With regard to the question formulated by the Chairperson of the Committee on Economic, Social and Cultural Rights, on the two options for a general comment, Ms. Schöpp-Schilling hoped the Committee would be able to combine both options in a single document. Referring to the report[36] compiled by the Special Rapporteur on the concept and practice of affirmative action of the Sub-Commission on the Promotion and Protection of Human Rights, Ms. Schöpp-Schilling said that although she did not agree with all the terms used by him, de facto equality, or substantive equality as it also was termed, should be supported by measures such as positive action, positive discrimination or affirmative action. In order to remove the historical and current imbalances, it is fundamental to take affirmative action measures, which, moreover, would be a great step in order to achieve the desired de facto equality between men and women. In the view of the Committee on the Elimination of Discrimination against Women, these temporary special measures could be based on supraconstitutional measures or other legislative provisions. But it is important to differentiate the types of measures, whether they are temporary or permanent, according to the areas where they are going to be applied; for example, it has been easy to establish quota systems in politics, but it is not that easy to implement them in the field of education or employment. Finally, Ms. Schöpp-Schilling added that women should participate in the formulation of temporary special measures, as well as in monitoring an evaluation of such measures.

599. Mr. Texier suggested that, if the Committee on Economic, Social and Cultural Rights was to adopt a general comment, the emphasis should be on the equal access of women and men to the enjoyment of economic, social and cultural rights. Furthermore, he said that the Committee needed to address the issue of indicators. Whereas some dimensions of women's labour rights are easily reflected in numbers, such as inequality in wages, there are other aspects that are more complex and not easy to quantify. As to terminology, Mr. Texier objected to the term "positive discrimination". Finally, he underlined the importance of the national women's organizations, which could play a fundamental role in education.

600. Mr. Riedel emphasized the cooperation with the Committee on the Elimination of Discrimination against Women, which was historic and also it was important to have close collaboration on issues of common interest. With regard to the question posed by the Chairperson of the Committee on Economic, Social and Cultural Rights, Mr. Riedel said that the general comment should be drafted from the perspective of equality rather than of women's rights, which is considered to fall within the competence of the Committee on the Elimination of Discrimination against Women, but that it should not be limited to the issue of equality at a theoretical level. Concerning temporary special measures and affirmative action, Mr. Riedel expressed himself in favour of propagating affirmative action aimed at specific rights, but he was against the adoption of a global policy, as well as the use of strict quota systems.

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[36] E/CN.4/Sub.2/2001/15.

601. Mr. Sadi expressed his concern about the possible reaction of States parties if they perceive the treaty bodies to be exceeding their mandates and interpreting the articles of the Covenant beyond the initial understanding of States parties. He raised the issue of abortion as an example, with regard to which there is not a universal understanding nor position among States parties, and with respect to which the Committee on Economic, Social and Cultural Rights should demonstrate caution.

602. Mr. Malinverni asked members of the Committee on the Elimination of Discrimination against Women whether any complaints had been received to date under the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women. He expressed himself in favour of temporary special measures, which should not be applied in too strict a manner. Finally, Mr. Malinverni pointed out that the issue of transsexuality is increasingly becoming a topical issue, including in the context of the European Court on Human Rights and the European Court of Justice.

603. Mr. Marchán Romero asked if, in order to obtain an equality of results, it was justified to set aside the equality of opportunity. As for the general comment, he said that the emphasis should be on equality between men and women. He further said that it would be inappropriate to consider women as a "vulnerable" group, and that more careful wording would be required. He was not in favour of quotas as a form of affirmative action.

604. As regards the general question of the Chairperson of the Committee on Economic, Social and Cultural Rights, Ms. Goonesekere (Committee on the Elimination of Discrimination against Women) noted that, in many countries, the centrality of equality of women must be seen as a community issue in which men are intrinsically involved. Equality must be mainstreamed into society. It is not exclusively a women's right issue, but a societal equality issue requiring the involvement and participation of men. On the nature of temporary special measures, Ms. Goonesekere said that the experience of the Committee on the Elimination of Discrimination against Women shows that even when a State has duly adopted legislation on equality between men and women, de facto inequality still usually exists. It is therefore necessary to provide for specific legal measures to attain a situation of parity. Moreover, the text of article 4 of the Convention itself seems to imply that such measures could be mandatory. She also pointed out that, according to articles 4 and 5, measures protecting maternity should not be considered a temporary special measure, but part of parenting as a social responsibility. With regard to Mr. Sadi's point about treaty bodies exceeding their mandates through interpretation of the rights in treaties, Ms. Goonesekere stated that legal systems generally are transformed through, inter alia, interpretation and that the Committee on the Elimination of Discrimination against Women has done this with the issue of violence against women by adopting its general recommendation no. 19 (eleventh session, 1992) on violence against women.[37] Finally, she mentioned that the Optional Protocol to the Convention had been adopted and had entered into force, but that the Committee had not so far received any individual or group complaints.

605. Ms. Schöpp-Schilling (Committee on the Elimination of Discrimination against Women) urged that the term "temporary special measures" be used in the Committee's general comment on article 3 of the Covenant, instead of "positive discrimination" or "affirmative action". With

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[37] See *Official Records of the General Assembly, Forty-seventh session, Supplement No. 38* (A/47/38), chap. I, pp. 1 et seq.

respect to Mr. Sadi's comment on treaty bodies exceeding their competence by "legislating", Ms. Schöpp-Schilling emphasized the difference between interpreting and legislating, and said that a treaty body cannot be considered to exceed its competence when its extensive experience in the consideration of State reports is reflected in its general comments or recommendations. Finally, Ms. Schöpp-Schilling called for caution with regard to the use of rigid quota systems in fields such as employment and education.

606. Ms. Freeman (Director of the International Women's Rights Action Watch, United States of America) said that if equality in the enjoyment of rights should be thought of as equality between men and women, and not equality of women to men, an equality had to be established in power relationships and in the capacity to negotiate. This would entail that equality between men and women does not merely entail women's rights, but human rights, lest women are automatically stereotyped. Equal respect for the capacity of each individual and fairness are the foundations of human rights, and privilege or preference is one of the causes and results of inequality. One of the objectives of a general comment is to address existing imbalances in the world, without, however, intentionally taking away from those groups that are privileged by the imbalance. Finally, Ms. Freeman stressed that the term "gender" does not only concern women, as it is an intellectual construct and an analytical tool used with respect to relationships between women and men.

607. Ms. Day (Consultant on women's human rights and economic equity issues (Canada), Women's Economic Equality Project) commended the Committee on Economic, Social and Cultural Rights for its attention to gender equality issues in its work. She emphasized the important contribution by the Committee and other treaty bodies, through its concluding observations and general comments or recommendations, to national courts of law, which are increasingly taking into consideration output of international bodies. Ms. Day further said that, in a general comment on article 3 of the Covenant, it would be essential to discuss the obstacles standing in the way of women's enjoyment of economic, social and cultural rights as, in rich and poor countries alike, women are not enjoying equal rights to men and harm is caused to women as a result of this unequal enjoyment of economic, social and cultural rights, which is both severe and sex-specific. Such harm does not only impact on the lives of these women, but also on their children, their families and even their communities. One of the primary objectives of a general comment on article 3 would be to explicitly state that men and women require both de jure and de facto equality in their enjoyment of economic, social and cultural rights. In order to guarantee de facto equality, it would be necessary to undertake measures to eliminate existing inequality. An important point to be borne in mind in undertaking steps to ensure de facto equality is that discrimination against women could be compounded by discrimination on the basis of other factors, such as race, language, ethnic origin, culture, religion, disability, or socio-economic level. In conclusion, Ms. Day recalled the immediate nature of States parties' obligation under article 3. As enshrined in other international human rights instruments, in national constitutions and anti-discrimination legislation, the prohibition of discrimination and the principle of equality should be considered as obligations of immediate application.

608. For Ms. Goonesekere (Committee on the Elimination of Discrimination against Women), it was important to place women's rights in the context of the general norm of equality and human rights in general, as well as in the context of society, as it was important to develop realistic and holistic strategies. She also stressed the importance of domestic jurisprudence taking into account international human rights jurisprudence, and in particular the concluding

observations, general comments or recommendations of the Committee. Finally, she stated that temporary special measures did not undermine the concept of equality. On the contrary, article 4 of the Convention on the Elimination of All Forms of Discrimination against Women made it clear that the adoption by the States parties of these measures aimed at accelerating de facto equality between men and women, should not be considered discrimination, and would in no way entail the maintenance of unequal or separate standards. Equality was not a formal measure, but needed to be contextualized in order to take into account the real situation and possible distorting factors.

609. Ms. Schöpp-Schilling (Committee on the Elimination of Discrimination against Women) referred to the concept of discrimination used by the Convention on the Elimination of All Forms of Discrimination against Women, the International Convention on the Elimination of All Forms of Racial Discrimination and by various general comments or recommendations, all of which made it clear that the term applied not only to direct and intentional discrimination, which was less common today, but also to indirect discrimination.

610. Ms. Day (Consultant on women's human rights and economic equity issues (Canada), Women's Economic Equality Project) emphasized that, although women's rights could not be separated from other human rights, women often suffered substantial and disproportionate difficulty in securing their human rights, so it was sometimes necessary to take special steps to ensure that they could benefit from equal rights. It was not enough for the law to state that men and women should be treated equally; according to the factual situation, it was necessary sometimes to treat women and men differently in order to compensate for existing inequalities.

611. Ms. Freeman (Director of the International Women's Rights Action Watch, United States of America) added that none of the international human rights treaties, which derived from the Universal Declaration of Human Rights, defined a special set of rights for women. The Convention on the Elimination of All Forms of Discrimination against Women had been established not as a declaration of a new set of rights for women, but as a statement of the obstacles that were preventing women from the equal enjoyment of their rights.

612. Mr. Kolosov raised the issue of budget allocations, asking whether separate funds should be earmarked for women's health and education.

613. In response to Mr. Kolosov, Ms. Goonesekere (Committee on the Elimination of Discrimination against Women) stated that, although the budgets of many developing countries were not specifically targeted at men, the situation of women was often neglected. In order to ensure the access of women to services such as education and health, it was necessary to adopt a gender-sensitive budget. However, this did not mean the special earmarking of funds, but an integral and holistic approach to the entire process of budget allocation.

614. In addition, Ms. Day (Consultant on women's human rights and equity issues (Canada), Women's Economic Equality Project) said that the main issue was whether the budget allocation process actually impacted positively on the enjoyment of rights by both women and men.

615. Ms. Morvai (Lecturer, Eötvös Loránd University, Head of Women's Rights and Children's Rights Research and Training Centre, Budapest), in introducing her paper on domestic violence (E/C.12/2002/8), said that domestic violence was a gender-specific

phenomenon and that it had finally been recognized as a public rather than a private issue, to be addressed by Governments and the international community. The World Conference on Human Rights, held in June 1993 in Vienna, called for the integration of women's issues into the realm of human rights, stating that rights could be violated by the State's failure to protect the victim from abuse by private individuals. In recent years, important control mechanisms had been established at the international level, including the Special Rapporteur on violence against women and the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women. It was also essential to determine the State's responsibilities when an individual violated any of the rights in the Covenant, such as the right to adequate housing. Ms. Morvai also mentioned the State's obligations with regard to the health implications of domestic violence included the provision of training for medical personnel, so that they recognized the nature and dynamics of domestic violence.

616. Ms. Farha (Centre for Equality Rights in Accommodation, Canada), introducing her paper on the right to housing (E/C.12/2002/6), said that women's enjoyment of economic, social and cultural rights must be based on substantive equality, which imposed on States the immediate and simultaneous realization of the obligations to respect, protect and fulfil. She specifically addressed the problem regarding the right to adequate housing, saying that in many jurisdictions women did not enjoy equal rights to housing owing to a confluence of factors including discriminatory laws, third-party practices, women's general social and economic disadvantage, and gender stereotypes. In this way, States parties needed to anticipate the discriminatory impact of gender-neutral policies.

617. Ms. Westendorp (Lecturer in law, Maastricht University, the Netherlands) said that the Committee had already performed sterling work on the right to housing, as manifest in its general comments no. 4 (1991) and No. 7 (1997) on the right to adequate housing (art. 11, para. 1, of the Covenant). It was not possible to realize the right to housing in a gender-neutral manner. What should be sought was substantive equality in the enjoyment of the right to housing for both sexes, which was possible only if the specific needs and problems of women were taken into account, and female-specific factors were identified, such as domestic violence, cultural and traditional attitudes or patterns of behaviour, and widowhood. While laws should take specific gender circumstances into consideration, equal access and enjoyment of rights is only possible if laws are modified and discriminatory policies are abolished, as well as gender stereotypes and traditions that denied women equal access to socio-economic rights.

618. Mr. Sadi stated that requiring States parties not only to enact non-discriminatory laws, but also to anticipate any adverse effects, appeared to be asking too much. He did not see how they could be required to foresee such adverse effects.

619. According to Mr. Atangana, women themselves also had responsibility for the domestic violence perpetrated against them since they were often unwilling to report such acts.

620. Mr. Malinverni, in response to Mr. Sadi's question, said that indirect discrimination was involuntary and unintentional by definition. It was the responsibility of States parties to assess the effects of laws through the courts, which could determine whether a law that was not intentionally discriminatory when enacted had in fact become so.

621. Ms. Landuyt (ILO) said that her organization had produced a written statement containing comments relating mostly to articles 6, 7 and 8 of the Covenant. She called particular attention to the comments on fair wages and equal pay for equal work.

622. Mr. Riedel praised ILO for its impressive paper, which, although brief, addressed core issues of particular relevance to the Committee's general comment. ILO, with its enormous experience in drafting comments and treaties, had always been a staunch supporter of the Committee's general comments.

623. Ms. Goonesekere (Committee on the Elimination of Discrimination against Women) said that both domestic violence and housing were key issues, furthermore, they were interrelated issues in the break-up of families, affecting women's access to the matrimonial home, and in inheritance law. As for Mr. Sadi's question, she replied that where policy formulation was concerned, laws reflected policy and gender-impact assessment was increasingly called for before legislation was passed, in a legislative drafting process that had become much more consultative. Furthermore, with regard to Mr. Atangana's remark, she noted that the focus on discrimination against women in public affairs rather than in private life had perhaps resulted in some neglect of domestic violence. The State or its agents sometimes failed to take action when domestic violence was reported, a problem that could be addressed through the training of police officers and members of the judiciary; therefore, domestic violence was not merely a private issue, but a public one as well.

624. Ms. Schöpp-Schilling (Committee on the Elimination of Discrimination against Women) drew the attention of the Committee on Economic, Social and Cultural Rights to the importance of the Declaration on the Elimination of Violence against Women,[38] which reflected the Committee on the Elimination of Discrimination against Women's general recommendation no. 19 (eleventh session, 1992) on violence against women.[37] Those texts made it clear that domestic violence was a violation of women's human rights.

625. Mr. Hunt noted that there was indeed a great gap between formal equality, which was necessary but not sufficient in itself, and substantive equality. He said that the Committee must help to achieve the latter, or it would inadvertently perpetuate inequality.

626. Ms. Farha (Centre for Equality Rights in Accommodation (Canada)) said that, by the very nature of law-making, legislators naturally sought to foresee and match the purposes and effects of the laws they adopted. The primary point was for them to consistently take a gender approach when drafting legislation.

627. Mr. Riedel said that the main point that Mr. Sadi had been trying to make was that the Committee was not a legislative body, but a treaty monitoring body, and that it must therefore show the utmost caution in recommending legislative courses of action to States. He said that the main focus of treaty bodies was not policy-orientation, which was covered, inter alia, by certain specialized agencies, but the elucidation of legal obligations.

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[38] General Assembly resolution 48/104 of 20 December 1993.

628. Ms. Morvai (Associate Professor of Law, Eötvös Loránd University, Head of Women's Rights and Children's Rights Research and Training Centre, Budapest), addressing the comments made by Mr. Atangana, said that, as a criminal lawyer, she was aware that when a crime took place, the perpetrator was normally held responsible by the police, the prosecution, the judiciary and society. However, for certain offences committed almost exclusively by men, such as rape, domestic violence, sexual harassment and sexual abuse of children, women were commonly held responsible. If there was a need for education to change attitudes, the onus should surely be placed on men, not women.

629. Ms. Rivera-Lassén (Latin American and the Caribbean Committee for the Defence of Women's Rights) said that, in order for States to evaluate the implementation of article 3 of the Covenant, they must focus on economic and social indicators of the status of women. There are many studies which show that the poorest of the poor were women and there are facts such as privatization and trade liberalization, which made job security increasingly precarious; women were the more seriously affected by these. It was therefore necessary to understand the ways in which gender discrimination was related to other forms of discrimination, including racism. While international consideration of human rights issues had benefited the cause of human rights and women's rights in particular, an ethnic-racial perspective was still, unfortunately, absent.

630. Ms. Graterol (International Women's Rights Action Watch, Asia Pacific) said, with regard to multiple, or intersectional, discrimination, that the Committee must encourage women to assert and claim their rights by calling on their Governments to establish appropriate mechanisms. She remarked that it was necessary to promote women's rights to achieve substantive equality, which meant equal opportunity in all the fields. Such progress could be monitored if appropriate data were available; it was therefore crucial to have access to data disaggregated by gender and by ethnicity. As for the measures that States could take to improve the lot of women, the Committee on Economic, Social and Cultural Rights might consider the fact that the Committee on the Elimination of Discrimination against Women had on numerous occasions called for temporary special measures, and that the Human Rights Committee had called for affirmative action. What was required were positive and proactive government efforts, including incentives for the private sector, with a view to promoting substantive equality.

631. Mr. Kothari (Special Rapporteur on adequate housing of the Commission on Human Rights) said that more account should be taken of the principle of self-determination. In his report (E/CN.4/2002/59 and Corr.1), he had stressed the need to remove all the obstacles to the realization of women's right to adequate housing. It was important to institutionalize ethical land use and housing practices, and to take residents' views into account when formulating planning policy. With regard to the negative impacts of globalization, the Committee on Economic, Social and Cultural Rights might like to refer in the general comment to the need to institutionalize inter-ministerial coordination within countries to ensure that the implementation of globalized trade policies did not lead to States contravening their obligations under the Covenant or to aggravating women's housing situation. Finally, with regard to the gap between the recognition of women's rights and their implementation, Mr. Kothari recognized that fine-sounding legislation and court rulings were often contradicted by the reality on the ground in many parts of the world, and said that human rights education at all levels of society was the key to reducing that gap.

632. Mr. Sadi said that it sometimes seemed that one of the obstacles to the advancement of women was the attitude of women themselves. For instance, they did not always take the opportunity to elect female candidates in parliamentary elections. Women's reluctance to seize opportunities that would empower them appeared to be a particular problem in traditional societies.

633. Ms. Sosa Nishizaki (Permanent Mission of Mexico to the United Nations Office at Geneva) said that the framework of principles under consideration by the Committee should refer not only to article 3 but also to other articles in the Covenant, in order to help States parties to improve the implementation of the Covenant.

634. Ms. Goonesekere (Committee on the Elimination of Discrimination against Women) said that it was important to identify those areas in which the work of both Committees was complementary and those in which it overlapped. The Committee on the Elimination of Discrimination against Women had an advantage not enjoyed by the Committee on Economic, Social and Cultural Rights, in that it had a definition of discrimination in the Convention on the Elimination of All Forms of Discrimination against Women. The Committee on the Elimination of Discrimination against Women was able to consider not just States parties' legislation but also their policies and programmes. After all, policy measures were necessary for the process of enforcement, implementation and resource allocation. This Committee paid considerable attention to the girl child, especially with regard to education, health and the family, as a starting point for any consideration of gender discrimination and the denial of opportunities to women in any society.

635. In conclusion, Ms. Bonoan-Dandan, the Chairperson of the Committee on Economic, Social and Cultural Rights, thanked all participants for their valuable contributions and said that the day's discussion would stimulate the Committee to press ahead with its work on the drafting and adoption of a general comment on article 3 of the Covenant.

C. Meeting of the Committee with the States parties to the International Covenant on Economic, Social and Cultural Rights

636. In response to the request by the Economic and Social Council in its decision 1999/287 of 30 July 1999 to consider ways and means to improve the efficiency of its working methods, the Committee, at its twenty-fifth session, discussed a number of improvements to its working methods with a view to dealing more effectively with the consideration of State parties' reports. As a result, the Committee adopted revised methods of work[39] on a provisional basis and these were submitted to the Economic and Social Council at its substantive session in 2001.

637. At its twenty-fifth session the Committee also decided to continue its discussion of working methods at its twenty-seventh session, in the light of the experience of using the revised methods of work at its twenty-fifth, twenty-sixth and twenty-seventh sessions. The Committee also formed the view that a consultation with States parties to the International Covenant on Economic, Social and Cultural Rights would help it come to a balanced and informed evaluation of the revised working methods. Accordingly, the Committee decided to schedule a meeting

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[39] See above, chap. I, para. 5, note 2.

with States parties for its twenty-seventh session. However, at the request of States parties involved in the work of the General Assembly during the twenty-seventh session of the Committee, the meeting was re-scheduled for its twenty-eighth session (29 April to 17 May 2002).

638. In a letter date[illegible]ril 2002, the Chairperson of the Committee on Economic, Social and Cultural Rights informed States parties to the Covenant of the Committee's decision to hold, at its twenty-eighth session, a meeting with States parties and invited them to participate in the meeting. The Chairperson indicated that the meeting would be the first of its kind in the Committee's history and, in accordance with the decision taken by the Committee, would be devoted to the discussion of the revised methods of work. The Chairperson also indicated that, in the view of the Committee, an exchange of views with States parties on how its work could be enhanced in a mutually beneficial manner would not only allow the Committee to improve the Committee's methods of work, thus making it more efficient in executing its responsibilities under the mandate conferred on it by the Economic and Social Council, but it would also contribute to the further promotion and protection of economic, social and cultural rights worldwide.

639. Accordingly, the Committee held a meeting with States parties to the Covenant on 14 May 2002. In the discussion, which followed presentations by two Committee members regarding the revised methods of work and the ongoing revision of the Committee's reporting guidelines, the following issues were raised: periodicity of reporting; list of issues; follow-up measures taken by States parties following adoption by the Committee of its concluding observations; overdue reports and non-reporting by States parties; general comments; and revision of the Committee's reporting guidelines. In addition, State party representatives raised the following issues: the prioritization of issues by the Committee during the dialogue with the State party and a better coordination among Committee members during the examination of the report; modalities of non-governmental organization participation in the Committee's work; procedures with respect to non-reporting States parties and long overdue reports; harmonization of methods of work of different Committees; inaccuracy of press releases covering the constructive dialogue between States parties' delegations and the Committee; and the need for regular meetings between the Committee and States parties to the Covenant. State parties' representatives warmly welcomed the Committee's initiative to organize such a meeting and expressed their appreciation for the work being done by the Committee to enhance the efficiency of its working methods.

640. The Committee expressed its appreciation for the States parties' participation and constructive contributions to the meeting. Both the States parties and the Committee agreed that such meetings should be held on a regular basis.

CHAPTER VI

Decisions adopted and matters discussed by the Committee at its twenty-eighth and twenty-ninth sessions

A. Follow-up procedure in relation to the consideration of periodic reports submitted by States parties

641. The follow-up procedure in relation to the consideration of reports was outlined by the Committee at its twenty-first session (see above, chap. II, para. 40) and subsequently revised and approved at its twenty-ninth session (11 to 29 November 2002).

1. Next periodic report

642. The regular reporting cycle is a five-year period. Strict compliance by States parties with reporting obligations is a *conditio sine qua non* for the effective monitoring by the Committee of the compliance by States parties with their obligations under the Covenant.

643. In all its concluding observations, the Committee will request the State party to inform the Committee, in its next periodic report, about steps taken to implement the recommendations in the concluding observations.

2. Additional information

644. When appropriate, the Committee may, in its concluding observations, request the State party to submit additional information at a time prior to the date that the next periodic report is due to be submitted. Any information provided by a State party under this procedure will be published as additional information submitted by the State party following the Committee's consideration of its report.*

645. The additional information will be considered by the next meeting of the Committee's pre-sessional working group, which could recommend to the Committee:

(i) That it take note of such information;

(ii) That it adopt specific concluding observations in response to that information;

(iii) That the matter be pursued through a request for further information; or

(iv) That the Committee's Chairperson be authorized to inform the State party, in advance of the next session, that the Committee will take up the issue at its next session and that, for that purpose, the participation of a representative of the State party in the work of the Committee would be welcome.

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* Published as an addendum in the E/1989/5 series.

646. If the additional information requested by the Committee is not provided by the set date, or is patently unsatisfactory, the Chairperson, in consultation with the members of the Bureau, could be authorized to follow up the matter with the State party concerned.

3. The offer of a technical assistance mission

647. In situations in which the Committee considers that it is unable to obtain the information it requires on the basis of the above-mentioned procedures, it may decide to adopt a different approach instead. In particular, the Committee may request that the State party concerned accept a mission consisting of one or two members of the Committee. Such a decision would be taken only after the Committee had satisfied itself that there was no adequate alternative approach available to it and that the information in its possession warranted such an approach. The purposes of such an on-site visit would be: (*a*) to collect the information necessary for the Committee to continue its constructive dialogue with the State party and to enable it to carry out its functions in relation to the Covenant; (*b*) to provide a more comprehensive basis upon which the Committee might exercise its functions in relation to articles 22 and 23 of the Covenant concerning technical assistance and advisory services. The Committee would state specifically the issue(s) with respect to which its representative(s) would seek to gather information from all available sources. The representative(s) would also have the task of considering whether the programme of advisory services administered by the Office of the United Nations High Commissioner for Human Rights could be of assistance in connection with the specific issue at hand. Such a decision by the Committee is subject to the approval of its parent body, the Economic and Social Council, and acceptance of such a mission by the State party concerned.

648. At the conclusion of the visit, the representative(s) will report to the Committee. In the light of this report presented by its representative(s), the Committee will then formulate its own conclusions and recommendations. Those conclusions may relate to the full range of functions carried out by the Committee, including those relating to technical assistance and advisory services.

649. This procedure has already been applied in relation to two States parties and the Committee considers the experience to have been a very positive one in both instances. In a case where the State party concerned did not accept the proposed mission, the Committee would consider making whatever recommendations might be appropriate to the Economic and Social Council.

4. United Nations specialized agencies and programmes, special-procedures mechanisms of the Commission on Human Rights and of the Committee on Economic, Social and Cultural Rights

650. Whenever appropriate, the Committee, in line with Commission on Human Rights resolution 2001/30 of 20 April 2001, may in its concluding observations recommend to the United Nations specialized agencies and programmes, and to relevant special-procedures mechanisms of the Commission, that it consider the possibility, within the scope of their respective mandates, of assisting the State party concerned in implementing relevant recommendations contained in the Committee's concluding observations.

5. Comments by States parties on concluding observations

651. Following the adoption by the Committee of concluding observations, if the relevant State party submits to the Committee its comments on the concluding observations, these comments will be published, as submitted, as a Committee document and referenced in the Committee's annual report. Such comments by a State party will be published for information purposes only.

B. Consideration of periodic reports submitted by States parties

652. For some years, the Committee devoted three meetings to its consideration of both initial and subsequent periodic reports. However, during its twenty-fifth session, the Committee decided, on an experimental basis, to devote only two meetings to consideration of periodic reports and three meetings to consideration of initial reports. The Committee is constantly striving to improve its working methods and this experimental reform was one of several measures that the Committee hoped would enhance its efficiency. Accordingly, at its twenty-sixth to twenty-ninth sessions, the Committee devoted only two meetings (i.e. six hours) to its consideration of periodic reports.

653. The Committee monitored this reform most carefully and, at its twenty-ninth session considered whether or not the experiment had proved successful and should be continued. The Committee formed the view that, in the light of experience, it could not adequately discharge its monitoring obligations, in relation to periodic reports, in only six hours. Thus, the Committee decided to revert to three meetings for both initial and periodic reports. The Committee also resolved to continue to identify and implement improvements in its working methods that would save time and resources without compromising its ability to discharge its monitoring obligations.

C. Meeting of the Committee with the States parties to the International Covenant on Economic, Social and Cultural Rights

654. At its twenty-eighth session, on 14 May 2002, the Committee held its first meeting with States parties to the Covenant. In accordance with the decision taken by the Committee at its twenty-sixth session, the meeting was devoted to the discussion of the methods of work of the Committee (see above, chap. V, sect. C, paras. 636-640).

D. Cooperation with specialized agencies

655. At its twenty-eighth session, on 14 May 2002, the Committee held a meeting, organized in cooperation with UNESCO, on follow-up to the Committee's day of general discussion on the right to education (arts. 13 and 14 of the Covenant) and to the World Education Forum (Dakar, April 2000) (see above, chap. V, sect. A, paras. 544-589).

656. The Committee welcomed the UNESCO decision to designate the two members of the Committee on Conventions and Recommendations of the UNESCO Executive Board to take part in the UNESCO/Committee on Economic, Social and Cultural Rights Joint Expert Group on the monitoring of the right to education, namely Messrs. Klaus Huefner

(Germany) and Olabiyi B. J. Yaï (Benin). The Committee designated its Chairperson, Ms. Virginia Bonoan-Dandan (Philippines), and its Vice-Chairperson, Mr. Eibe Riedel (Germany) to represent it at the Joint Expert Group. The first meeting of the Expert Group would be held in 2003.

E. Day of general discussion

657. At its twenty-eighth session, on 13 May 2002, the Committee held a day of general discussion on the equal right of men and women to the enjoyment of all economic, social and cultural rights (art. 3 of the Covenant). The discussion laid foundations for elaboration of a draft general comment on article 3 of the Covenant (see above, chap. V, sect. B, paras. 590-635).

F. General comments

658. At its 46th and 47th meetings (twenty-ninth session), held on 22 November 2002, the Committee considered, under agenda item 3, a draft general comment on the right to water. In addition to the members of the Committee, representatives of the United Nations specialized agencies, non-governmental organizations and individual experts actively participated in the discussion of the draft. General comment no. 15 (2002) on the right to water (arts. 11 and 12 of the Covenant) was then adopted by the Committee at its 51st meeting on 26 November 2002 (see annex IV below).

659. The Committee expressed its great appreciation to those experts who provided comments on the draft general comment both before the session in writing and orally in the course of its discussion. The Committee was particularly grateful to WHO, especially to Dr. Jamie Bartram, for the expert advice offered at all stages of the drafting process, and to Mr. Malcolm Langford, for his untiring assistance throughout the drafting process. The Committee also thanked, for their valuable and long-standing cooperation with the Committee and contribution to the drafting of the general comment, the following States parties, United Nations specialized agencies, non-governmental organizations and individual experts: Permanent Mission of Japan to the United Nations Office at Geneva; WHO; FAO; World Bank; WTO; Centre on Housing Rights and Evictions; American Association for the Advancement of Science; Friedrich Ebert Foundation; FIAN-Foodfirst Information and Action Network; Access to Justice Program (Center for Human Rights and Environment, Argentina); Mr. Jean Ziegler, Special Rapporteur of the Commission on Human Rights on the right to food; Mr. Miloon Kothari, Special Rapporteur of the Commission on adequate housing; Mr. El Hadji Guissé, Special Rapporteur on the promotion of the realization of the right to drinking water and sanitation of the Sub-Commission on the Promotion and Protection of Human Rights; Mr. Yozo Yokota, member of the Sub-Commission; Mr. K. J. Nath, President, Institution of Public Health Engineers (India); Mr Jack Moss, senior water adviser (Paris); Mr. Rudolf Geiger, member of the Committee on Water Resources of the International Law Association (University of Leipzig, Germany); Mr. Peter Gleick, Director, Pacific Institute, member, International Water Academy (Oslo); and Mr. Henri Smets, member, Académie de l'Eau (Paris).

660. The Committee expressed its gratitude to Mr. Eibe Riedel, who assumed the principal responsibility for drafting and finalizing the text.

661. The Committee decided to accord the highest priority at its thirtieth session to the consideration and adoption of a draft general comment on article 3 of the Covenant (equality between men and women in the enjoyment of economic, social and cultural rights). It reiterated the request to its Chairperson, Ms. Bonoan-Dandan, to have consultations with the Committee on the Elimination of Discrimination against Women, and relevant non-governmental organizations with a view to finalizing the draft to be submitted for consideration by the Committee on Economic, Social and Cultural Rights at its forthcoming session. The latter would warmly welcome the adoption of a joint general comment with the Committee on the Elimination of Discrimination against Women and encouraged its Chairperson to pursue the possibility of that joint project.

G. Cooperation with the Commission on Human Rights and the Sub-Commission on the Promotion and Protection of Human Rights

662. At its twenty-ninth session, the Committee held discussions with Mr. Miloon Kothari, Special Rapporteur of the Commission on adequate housing; Mr. Jean Ziegler, Special Rapporteur of the Commission on the right to food; and Mr. El Hadji Guissé, the Special Rapporteur on promotion of the realization of the right to drinking water and sanitation of the Sub-Commission. Mr. Hatem Kotrane, independent expert of the Commission to examine the question of an optional protocol to the Covenant, was present at these discussions.

663. The Committee appreciated the opportunity to discuss matters of common concern with the Special Rapporteurs and expressed its willingness to explore ways and means for reinforcing and enhancing cooperation with mandate-holders of the Charter of the United Nations-based bodies dealing with economic, social and cultural rights.

H. Statements adopted by the Committee

664. The Committee, at its twenty-eighth session in May 2002, adopted a statement to the Commission on Sustainable Development acting as the Preparatory Committee for the World Summit for Sustainable Development (Bali, Indonesia, 27 May to 7 June 2002) (see annex VI below). At its twenty-ninth session, in November 2002, the Committee, in cooperation with the Commission on Human Rights Special Rapporteurs on economic, social and cultural rights, adopted a joint statement entitled, "The Millennium Development Goals and economic, social and cultural rights" (see annex VII below).

I. Departing members of the Committee

665. The Committee expresses its deep gratitude to four of its members who will be leaving it at the end of 2002. They are Mr. Mahmoud Samir Ahmed (Egypt), Mr. Paul Hunt (New Zealand), Mr. Nutan Thapalia (Nepal) and Mr. Javier Wimer Zambrano (Mexico). All four contributed very significantly to the work of the Committee.

CHAPTER VII

Adoption of the report

666. At its 56th meeting, held on 29 November 2002, the Committee considered its draft report to the Economic and Social Council on the work of its twenty-eighth and twenty-ninth sessions (E/C.12/2002/CRP.1 and Add.1 and CRP.2). The Committee adopted the report as it had been modified during the discussions.

ANNEXES

ANNEX I

States parties to the Covenant and status of submission of reports (as of 29 November 2002)

A. Initial and second periodic reports

State party	Date of entry into force	Initial reports			Second periodic reports		
		Articles 6-9	Articles 10-12	Articles 13-15	Articles 6-9	Articles 10-12	Articles 13-15
		(Summary records of consideration of reports)					
1. Afghanistan	24 April 1983	E/1990/5/Add.8 (E/C.12/1991/SR.2, 4-6 and 8)			Overdue		
2. Albania	4 January 1992	Overdue					
3. Algeria	12 December 1989	E/1990/5/Add.22 (E/C.12/1995/SR.46 and 47-48)			E/1990/6/Add.26 (E/C.12/2001/SR.65-66)		
4. Angola	10 April 1992	Overdue					
5. Argentina	8 November 1986	E/1990/5/Add.18 (E/C.12/1994/SR.30-32)		E/1988/5/Add.4 and 8 (E/C.12/1990/ SR.18-20)	E/1990/6/Add.16 (E/C.12/1999/SR.33-36)		
6. Armenia	13 December 1993	E/1990/5/Add.36 (E/C.12/1999/SR.38-40)			Overdue		
7. Australia	10 March 1976	E/1978/8/Add.15 (E/1980/WG.1/ SR.12-13)	E/1980/6/Add.22 (E/1981/WG.1/ SR.18)	E/1982/3/Add.9 (E/1982/WG.1/ SR.13-14)	E/1984/7/Add.22 (E/1985/WG.1/ SR.17, 18 and 21)	E/1986/4/Add.7 (E/1986/WG.1/ SR.10, 11, 13 and 14)	E/1990/7/Add.13 (E/C.12/1993/ SR.13, 15 and 20)
8. Austria	10 December 1978	E/1984/6/Add.17 (E/C.12/1988/ SR.3-4)	E/1980/6/Add.19 (E/1981/WG.1/ SR.8)	E/1982/3/Add.37 (E/C.12/1988/ SR.3)	E/1990/6/Add.5 (E/C.12/1994/ SR.39-41)	E/1986/4/Add.8 and Corr.1 (E/1986/WG.1/ SR.4 and 7)	E/1990/6/Add.5 (E/C.12/1994/ SR.39-41)
9. Azerbaijan	13 November 1992	E/1990/5/Add.30 (E/C.12/1997/SR.39-41)			Overdue		
10. Bangladesh	5 January 1999	Overdue					
11. Barbados	3 January 1976	E/1978/8/Add.33 (E/1982/WG.1/ SR.3)	E/1980/6/Add.27 (E/1982/WG.1/ SR.6-7)	E/1982/3/Add.24 (E/1983/WG.1/ SR.14-15)	Overdue		
12. Belarus	3 January 1976	E/1978/8/Add.19 (E/1980/WG.1/ SR.16)	E/1980/6/Add.18 (E/1981/WG.1/ SR.16)	E/1982/3/Add.3 (E/1982/WG.1/ SR.9-10)	E/1984/7/Add.8 (E/1984/WG.1/ SR.13-15)	E/1986/4/Add.19 (E/C.12/1988/ SR.10-12)	E/1990/7/Add.5 (E/C.12/1992/ SR.2, 3 and 12)
13. Belgium	21 July 1983	E/1990/5/Add.15 (E/C.12/1994/SR.15-17)			E/1990/6/Add.18 (E/C.12/2000/SR.64-66)		
14. Benin	12 June 1992	E/1990/5/Add.48 (E/C.12/2002/SR.8-10)			Due on 30 June 2007		
15. Bolivia	12 November 1982	E/1990/5/Add.44 (E/C.12/2001/SR.15-17)			Due on 30 June 2005		

Annex I (*continued*)

State party	Date of entry into force	Initial reports			Second periodic reports		
		Articles 6-9	Articles 10-12	Articles 13-15	Articles 6-9	Articles 10-12	Articles 13-15
		(Summary records of consideration of reports)					
16. Bosnia and Herzegovina	6 March 1993	Overdue					
17. Brazil	24 April 1992	E/1990/5/Add.53 (Pending consideration)					
18. Bulgaria	3 January 1976	E/1978/8/Add.24 (E/1980/WG.1/ SR.12)	E/1980/6/Add.29 (E/1982/WG.1/ SR.8)	E/1982/3/Add.23 (E/1983/WG.1/ SR.11-13)	E/1984/7/Add.18 (E/1985/WG.1/ SR.9 and 11)	E/1986/4/Add.20 (E/C.12/1988/ SR.17-19)	
19. Burkina Faso	4 April 1999	Overdue					
20. Burundi	9 August 1990	Overdue					
21. Cambodia	26 August 1992	Overdue					
22. Cameroon	27 September 1984	E/1990/5/Add.35 (E/C.12/1999/ SR.41-43)	E/1986/3/Add.8 (E/C.12/1989/ SR.6-7)	E/1990/5/Add.35 (E/C.12/1999/ SR.41-43)	Overdue		
23. Canada	19 August 1976	E/1978/8/Add.32 (E/1982/WG.1/ SR.1-2)	E/1980/6/Add.32 (E/1984/WG.1/ SR.4 and 6)	E/1982/3/Add.34 (E/1986/WG.1/ SR.13, 15 and 16)	E/1984/7/Add.28 (E/C.12/1989/ SR.8 and 11)	E/1990/6/Add.3 (E/C.12/1993/SR.6 and 7)	
24. Cape Verde	6 November 1993	Overdue					
25. Central African Republic	8 August 1981	Overdue					
26. Chad	9 September 1995	Overdue					
27. Chile	3 January 1976	E/1978/8/Add.10 and 28 (E/1980/WG.1/ SR.8-9)	E/1980/6/Add.4 (E/1981/WG.1/ SR.7)	E/1982/3/Add.40 (E/C.12/1988/ SR.12-13 and 16)	E/1984/7/Add.1 (E/1984/WG.1/ SR.11-12)	E/1986/4/Add.18 (E/C.12/1988/ SR.12-13 and 16)	Overdue
28. China	27 June 2001	Due on 30 June 2003					
29. Colombia	3 January 1976	E/1978/8/Add.17 (E/1980/WG.1/ SR.15)	E/1986/3/Add.3 (E/1986/WG.1/ SR.6 and 9)	E/1982/3/Add.36 (E/1986/WG.1/ SR.15, 21 and 22)	E/1984/7/Add.21/ Rev.1 (E/1986/WG.1/ SR.22 and 25)	E/1986/4/Add.25 (E/C.12/1990/ SR.12-14 and 17)	E/1990/7/Add.4 (E/C.12/1991/ SR.17, 18 and 25)
30. Costa Rica	3 January 1976	E/1990/5/Add.3 (E/C.12/1990/SR.38, 40, 41 and 43)			Overdue		
31. Côte d'Ivoire	26 June 1992	Overdue					
32. Croatia	8 October 1991	E/1990/5/Add.46 (E/C.12/2001/SR.69-71)			Due on 30 June 2006		
33. Cyprus	3 January 1976	E/1978/8/Add.21 (E/1980/WG.1/ SR.17)	E/1980/6/Add.3 (E/1981/WG.1/ SR.6)	E/1982/3/Add.19 (E/1983/WG.1/ SR.7-8)	E/1984/7/Add.13 (E/1984/WG.1/ SR.18 and 22)	E/1986/4/Add.2 and 26 (E/C.12/1990/ SR.2, 3 and 5)	

Annex I (*continued*)

State party	Date of entry into force	Initial reports			Second periodic reports		
		Articles 6-9	Articles 10-12	Articles 13-15	Articles 6-9	Articles 10-12	Articles 13-15
		(Summary records of consideration of reports)					
34. Czech Republic	1 January 1993	E/1990/5/Add.47 (E/C.12/2002/SR.3-5)			Due on 30 June 2007		
35. Democratic People's Republic of Korea	14 December 1981	E/1984/6/Add.7 (E/C.12/1987/ SR.21-22)	E/1986/3/Add.5 (E/C.12/1987/ SR.21-22)	E/1988/5/Add.6 (E/C.12/1991/ SR.6, 8 and 10)	E/1990/6/Add.35 (Received on 9 April 2002 - Pending consideration)		
36. Democratic Republic of the Congo	1 February 1977	E/1984/6/Add.18 (E/C.12/1988/SR.16-19)	E/1986/3/Add.7	E/1982/3/Add.41	Overdue		
37. Denmark	3 January 1976	E/1978/8/Add.13 (E/1980/WG.1/ SR.10)	E/1980/6/Add.15 (E/1981/WG.1/ SR.12)	E/1982/3/Add.20 (E/1983/WG.1/ SR.8-9)	E/1984/7/Add.11 (E/1984/WG.1/ SR.17 and 21)	E/1986/4/Add.16 (E/C.12/1988/ SR.8-9)	
38. Dominica	17 September 1993	Overdue					
39. Dominican Republic	4 April 1978	E/1990/5/Add.4 (E/C.12/1990/SR.43-45 and 47)			E/1990/6/Add.7 (E/C.12/1996/SR.29 and 30) (E/C.12/1997/SR.29-31)		
40. Ecuador	3 January 1976	E/1978/8/Add.1 (E/1980/WG.1/ SR.4-5)	E/1986/3/Add.14 (E/C.12/1990/SR.37-39 and 42)	E/1988/5/Add.7	E/1984/7/Add.12 (E/1984/WG.1/ SR.20 and 22)	E/1990/6/Add.36 (Received on 29 October 2002 - Pending consideration)	
41. Egypt	14 April 1982	E/1990/5/Add.38 (E/C.12/2000/SR.12 and 13)			Due on 30 June 2003		
42. El Salvador	29 February 1980	E/1990/5/Add.25 (E/C.12/1996/SR.15, 16 and 18)			Overdue		
43. Equatorial Guinea	25 December 1987	Overdue					
44. Eritrea	17 July 2001	Due on 30 June 2003					
45. Estonia	21 January 1992	E/1990/5/Add.51 (E/C.12/2002/SR.41-43)			Due on 30 June 2007		
46. Ethiopia	11 September 1993	Overdue					
47. Finland	3 January 1976	E/1978/8/Add.14 (E/1980/WG.1/ SR.6)	E/1980/6/Add.11 (E/1981/WG.1/ SR.10)	E/1982/3/Add.28 (E/1984/WG.1/ SR.7-8)	E/1984/7/Add.14 (E/1984/WG.1/ SR.17-18)	E/1986/4/Add.4 (E/1986/WG.1/ SR.8-9 and 11)	E/1990/7/Add.1 (E/C.12/1991/ SR.11, 12 and 16)
48. France	4 February 1981	E/1984/6/Add.11 (E/1986/WG.1/ SR.18-19 and 21)	E/1986/3/Add.10 (E/C.12/1989/ SR.12-13)	E/1982/3/Add.30 and Corr.1 (E/1985/WG.1/ SR.5 and 7)	E/1990/6/Add.27 (E/C.12/2001/SR.67- 68)		
49. Gabon	21 April 1983	Overdue					
50. Gambia	29 March 1979	Overdue					
51. Georgia	3 August 1994	E/1990/5/Add.37 (E/C.12/2000/SR.3-5)			E/1990/6/Add.31 (E/C.12/2002/SR.35 and 36)		

Annex I (*continued*)

State party	Date of entry into force	Initial reports			Second periodic reports		
		Articles 6-9	Articles 10-12	Articles 13-15	Articles 6-9	Articles 10-12	Articles 13-15
		(Summary records of consideration of reports)					
52. Germany	3 January 1976	E/1978/8/Add.8 and Corr.1 (E/1980/WG.1/ SR.8) E/1978/8/Add.11 (E/1980/WG.1/ SR.10)	E/1980/6/Add.6 (E/1981/WG.1/ SR.8) E/1980/6/Add.10 (E/1981/WG.1/ SR.10)	E/1982/3/Add.15 and Corr.1 (E/1983/WG.1/ SR.5-6) E/1982/3/Add.14 (E/1982/WG.1/ SR.17-18)	E/1984/7/Add.3 and 23 (E/1985/WG.1/ SR.12 and 16) E/1984/7/Add.24 and Corr.1 (E/1986/WG.1/ SR.22-23 and 25)	E/1986/4/Add.11 (E/C.12/1987/ SR.11, 12 and 14) E/1986/4/Add.10 (E/C.12/1987/ SR.19-20)	E/1990/7/Add.12 (E/C.12/1993/ SR.35 and 36)
53. Ghana	7 December 2000	Overdue (Was due on 30 June 2002)					
54. Greece	16 August 1985	E/1990/5/Add.56 (Received on 17 September 2002 - Pending consideration)					
55. Grenada	6 December 1991	Overdue					
56. Guatemala	19 August 1988	E/1990/5/Add.24 (E/C.12/1996/SR.11-14)			E/1990/6/Add.34 (Received on 27 March 2002 - Pending consideration)		
57. Guinea	24 April 1978	Overdue					
58. Guinea-Bissau	2 October 1992	Overdue					
59. Guyana	15 May 1977	E/1990/5/Add.27 (Pending consideration)		E/1982/3/Add.5, 29 and 32 (E/1984/WG.1/ SR.20 and 22 and E/1985/WG.1/ SR.6)			
60. Honduras	17 May 1981	E/1990/5/Add.40 (E/C.12/2001/SR.5-8)			Due on 30 June 2006		
61. Hungary	3 January 1976	E/1978/8/Add.7 (E/1980/WG.1/ SR.7)	E/1980/6/Add.37 (E/1986/WG.1/ SR.6-7 and 9)	E/1982/3/Add.10 (E/1982/WG.1/ SR.14)	E/1984/7/Add.15 (E/1984/WG.1/ SR.19 and 21)	E/1986/4/Add.1 (E/1986/WG.1/ SR.6-7 and 9)	E/1990/7/Add.10 (E/C.12/1992/ SR.9, 12 and 21)
62. Iceland	22 November 1979	E/1990/5/Add.6 and 14 (E/C.12/1993/SR.29-31)			E/1990/6/Add.15 (E/C.12/1999/SR.3-5)		
63. India	10 July 1979	E/1984/6/Add.13 (E/1986/WG.1/ SR.20 and 24)	E/1980/6/Add.34 (E/1984/WG.1/ SR.6 and 8)	E/1988/5/Add.5 (E/C.12/1990/ SR.16-17 and 19)	Overdue		
64. Iran (Islamic Republic of)	3 January 1976	E/1990/5/Add.9 (E/C.12/1993/SR.7-9 and 20)		E/1982/3/Add.43 (E/C.12/1990/ SR.42-43 and 45)	Overdue		
65. Iraq	3 January 1976	E/1984/6/Add.3 and 8 (E/1985/WG.1/ SR.8 and 11)	E/1980/6/Add.14 (E/1981/WG.1/ SR.12)	E/1982/3/Add.26 (E/1985/WG.1/ SR.3-4)		E/1986/4/Add.3 (E/1986/WG.1/ SR.8 and 11)	E/1990/7/Add.15 (E/C.12/1994/ SR.11 and 14)
66. Ireland	8 March 1990	E/1990/5/Add.34 (E/C.12/1999/SR.14-16)			E/1990/6/Add.29 (E/C.12/2002/SR.6 and 7)		

Annex I (*continued*)

State party	Date of entry into force	Initial reports			Second periodic reports		
		Articles 6-9	Articles 10-12	Articles 13-15	Articles 6-9	Articles 10-12	Articles 13-15
		(Summary records of consideration of reports)					
67. Israel	3 January 1992	E/1990/5/Add.39 (E/C.12/1998/SR.31-33)			E/1990/6/Add.32 (Pending consideration)		
68. Italy	15 December 1978	E/1978/8/Add.34 (E/1982/WG.1/ SR.3-4)	E/1980/6/Add.31 and 36 (E/1984/WG.1/ SR.3 and 5)		E/1990/6/Add.2 (E/C.12/1992/SR.13, 14 and 21)		
69. Jamaica	3 January 1976	E/1978/8/Add.27 (E/1980/WG.1/ SR.20)	E/1986/3/Add.12 (E/C.12/1990/ SR.10-12 and 15)	E/1988/5/Add.3 (E/C.12/1990/ SR.10-12 and 15)	E/1984/7/Add.30 (E/C.12/1990/ SR.10-12 and 15)	E/1990/6/Add.28 (E/C.12/2001/SR.73)	
70. Japan	21 September 1979	E/1984/6/Add.6 and Corr.1 (E/1984/WG.1/ SR.9-10)	E/1986/3/Add.4 and Corr.1 (E/1986/WG.1/ SR.20-21 and 23)	E/1982/3/Add.7 (E/1982/WG.1 SR.12-13)	E/1990/6/Add.21 and Corr.1 (E/C.12/2001/SR.42-43)		
71. Jordan	3 January 1976	E/1984/6/Add.15 (E/C.12/1987/ SR.6-8)	E/1986/3/Add.6 (E/C.12/1987/ SR.8)	E/1982/3/Add.38/ Rev.1 (E/C.12/1990/ SR.30-32)	E/1990/6/Add.17 (E/C.12/2000/SR.30-33)		
72. Kenya*	3 January 1976	Overdue			Overdue		
73. Kuwait	31 August 1996	E/1990/5/Add.57 (Received on 11 September 2002 - Pending consideration)					
74. Kyrgyzstan	7 January 1995	E/1990/5/Add.42 (E/C.12/2000/SR.42-44)			Due on 30 June 2005		
75. Latvia	14 July 1992	Overdue					
76. Lebanon	3 January 1976	E/1990/5/Add.16 (E/C.12/1993/SR.14, 16 and 21)			Overdue		
77. Lesotho	9 December 1992	Overdue					
78. Libyan Arab Jamahiriya	3 January 1976	E/1990/5/Add.26 (E/C.12/1997/SR.20-21)		E/1982/3/Add.6 and 25 (E/1983/WG.1/ SR.16-17)	Overdue		
79. Liechtenstein	10 March 1999	Overdue					
80. Lithuania	20 February 1992	E/1990/5/Add.55 (Received on 17 July 2002 - Pending consideration)					
81. Luxembourg	18 November 1983	E/1990/5/Add.1 (E/C.12/1990/SR.33-36)			E/1990/6/Add.9 (E/C.12/1997/SR.48-49)		
82. Madagascar	3 January 1976	E/1978/8/Add.29 (E/1981/WG.1/ SR.2)	E/1980/6/Add.39 (E/1986/WG.1/ SR.2-3 and 5)	Overdue	E/1984/7/Add.19 (E/1985/WG.1/ SR.14 and 18)	Overdue	
83. Malawi	22 March 1994	Overdue					
84. Mali	3 January 1976	Overdue					
85. Malta	13 December 1990	Overdue					
86. Mauritius	3 January 1976	E/1990/5/Add.21 (E/C.12/1995/SR.40, 41 and 43)			Overdue		

Annex I (*continued*)

State party	Date of entry into force	Initial reports			Second periodic reports		
		Articles 6-9	Articles 10-12	Articles 13-15	Articles 6-9	Articles 10-12	Articles 13-15
		(Summary records of consideration of reports)					
87. Mexico	23 June 1981	E/1984/6/Add.2 and 10 (E/1986/WG.1/ SR.24, 26 and 28)	E/1986/3/Add.13 (E/C.12/1990/ SR.6, 7 and 9)	E/1982/3/Add.8 (E/1982/WG.1/ SR.14-15)	E/1990/6/Add.4 (E/C.12/1993/SR.32-35 and 49)		
88. Monaco	28 November 1997	Overdue					
89. Mongolia	3 January 1976	E/1978/8/Add.6 (E/1980/WG.1/ SR.7)	E/1980/6/Add.7 (E/1981/WG.1/ SR.8-9)	E/1982/3/Add.11 (E/1982/WG.1/ SR.15-16)	E/1984/7/Add.6 (E/1984/WG.1/ SR.16 and 18)	E/1986/4/Add.9 (E/C.12/1988/ SR.5 and 7)	
90. Morocco	3 August 1979	E/1990/5/Add.13 (E/C.12/1994/SR.8-10)			E/1990/6/Add.20 (E/C.12/2000/SR.70-72)		
91. Namibia	28 February 1995	Overdue					
92. Nepal	14 August 1991	E/1990/5/Add.45 (E/C.12/2001/SR.44-46)			Due on 30 June 2006		
93. Netherlands	11 March 1979	E/1984/6/Add.14 and 20 (E/C.12/1987/ SR.5-6) (E/C.12/1989/ SR.14-15)	E/1980/6/Add.33 (E/1984/WG.1/ SR.4-6 and 8)	E/1982/3/Add.35 and 44 (E/1986/WG.1/ SR.14 and 18) (E/C.12/1989/ SR.14-15)	E/1990/6/ Add.11-13 (E/C.12/1998/ SR.13-17)	E/1986/4/Add.24 (E/C.12/1989/ SR.14-15)	E/1990/6/ Add.11-13 (E/C.12/1998/ SR.13-17)
94. New Zealand	28 March 1979	E/1990/5/Add.5, 11 and 12 (E/C.12/1993/SR.24-26)			E/1990/6/Add.33 (Pending consideration)		
95. Nicaragua	12 June 1980	E/1984/6/Add.9 (E/1986/WG.1/ SR.16-17 and 19)	E/1986/3/Add.15-16 (E/C.12/1993/ SR.27-28)	E/1982/3/Add.31 and Corr.1 (E/1985/WG.1/ SR.15)	Overdue		
96. Niger	7 June 1986	Overdue					
97. Nigeria	29 October 1993	E/1990/5/Add.31 (E/C.12/1998/SR.6-8)			Overdue		
98. Norway	3 January 1976	E/1978/8/Add.12 (E/1980/WG.1/ SR.5)	E/1980/6/Add.5 (E/1981/WG.1/ SR.14)	E/1982/3/Add.12 (E/1982/WG.1/ SR.16)	E/1984/7/Add.16 (E/1984/WG.1/ SR.19 and 22)	E/1986/4/Add.21 (E/C.12/1988/ SR.14-15)	E/1990/7/Add.7 (E/C.12/1992/ SR.4-5 and 12)
99. Panama	8 June 1977	E/1984/6/Add.19 (E/C.12/1991/ SR.3, 5 and 8)	E/1980/6/Add.20 and 23 (E/1982/WG.1/ SR.5)	E/1988/5/Add.9 (E/C.12/1991/ SR.3, 5 and 8)	E/1990/6/Add.24 (E/C.12/2001/ SR.36)	E/1986/4/Add.22 (E/C.12/1991/ SR.3, 5 and 8)	E/1990/6/Add.24 (E/C.12/2001/ SR.36)
100. Paraguay	10 September 1992	E/1990/5/Add.23 (E/C.12/1996/SR.1, 2 and 4)			Overdue		
101. Peru	28 July 1978	E/1984/6/Add.5 (E/1984/WG.1/ SR.11 and 18)	E/1990/5/Add.29 (E/C.12/1997/SR.14-17)		Overdue		
102. Philippines	3 January 1976	E/1978/8/Add.4 (E/1980/WG.1/ SR.11)	E/1986/3/Add.17 (E/C.12/1995/ SR.11, 12 and 14)	E/1988/5/Add.2 (E/C.12/1990/ SR.8-9 and 11)	E/1984/7/Add.4 (E/1984/WG.1/ SR.15 and 20)	Overdue	

Annex I (*continued*)

State party	Date of entry into force	Initial reports			Second periodic reports		
		Articles 6-9	Articles 10-12	Articles 13-15	Articles 6-9	Articles 10-12	Articles 13-15
		(Summary records of consideration of reports)					
103. Poland	18 June 1977	E/1978/8/Add.23 (E/1980/WG.1/ SR.18-19)	E/1980/6/Add.12 (E/1981/WG.1/ SR.11)	E/1982/3/Add.21 (E/1983/WG.1/ SR.9-10)	E/1984/7/Add.26 and 27 (E/1986/WG.1/ SR.25-27)	E/1986/4/Add.12 (E/C.12/1989/ SR.5-6)	E/1990/7/Add.9 (E/C.12/1992/ SR.6-7 and 15)
104. Portugal	31 October 1978		E/1980/6/Add.35/ Rev.1 (E/1985/WG.1/ SR.2 and 4)	E/1982/3/Add.27/ Rev.1 (E/1985/WG.1/ SR.6 and 9)	E/1990/6/Add.6 (E/C.12/1995/SR.7, 8 and 10) E/1990/6/Add.8 (Macau) (E/C.12/1996/SR.31-33)		
105. Republic of Korea	10 July 1990	E/1990/5/Add.19 (E/C.12/1995/SR.3, 4 and 6)			E/1990/6/Add.23 (E/C.12/2001/SR.12-14)		
106. Republic of Moldova	26 March 1993	E/1990/5/Add.52 (Pending consideration)					
107. Republic of the Congo	5 January 1984	Overdue (Without report: E/C.12/2000/SR.16-17)					
108. Romania	3 January 1976	E/1978/8/Add.20 (E/1980/WG.1/ SR.16-17)	E/1980/6/Add.1 (E/1981/WG.1/ SR.5)	E/1982/3/Add.13 (E/1982/WG.1/ SR.17-18)	E/1984/7/Add.17 (E/1985/WG.1/ SR.10 and 13)	E/1986/4/Add.17 (E/C.12/1988/ SR.6)	E/1990/7/Add.14 (E/C.12/1994/ SR.5, 7 and 13)
109. Russian Federation	3 January 1976	E/1978/8/Add.16 (E/1980/WG.1/ SR.14)	E/1980/6/Add.17 (E/1981/WG.1/ SR.14-15)	E/1982/3/Add.1 (E/1982/WG.1/ SR.11-12)	E/1984/7/Add.7 (E/1984/WG.1/ SR.9-10)	E/1986/4/Add.14 (E/C.12/1987/ SR.16-18)	E/1990/7/Add.8 (Withdrawn)
110. Rwanda	3 January 1976	E/1984/6/Add.4 (E/1984/WG.1/ SR.10 and 12)	E/1986/3/Add.1 (E/1986/WG.1/ SR.16 and 19)	E/1982/3/Add.42 (E/C.12/1989/ SR.10-12)	E/1984/7/Add.29 (E/C.12/1989/ SR.10-12)	Overdue	
111. Saint Vincent and the Grenadines	9 February 1982	Overdue					
112. San Marino	18 January 1986	Overdue					
113. Senegal	13 May 1978	E/1984/6/Add.22 (E/C.12/1993/ SR.37-38)	E/1980/6/Add.13/ Rev.1 (E/1981/WG.1/ SR.11)	E/1982/3/Add.17 (E/1983/WG.1/ SR.14-16)	E/1990/6/Add.25 (E/C.12/2001/SR.32-33)		
114. Seychelles	5 August 1982	Overdue					
115. Sierra Leone	23 November 1996	Overdue					
116. Slovakia	28 May 1993	E/1990/5/Add.49 (E/C.12/2002/SR.30-32)			Due on 30 June 2007		
117. Slovenia	6 July 1992	Overdue					

Annex I (*continued*)

State party	Date of entry into force	Initial reports			Second periodic reports		
		Articles 6-9	Articles 10-12	Articles 13-15	Articles 6-9	Articles 10-12	Articles 13-15
		(Summary records of consideration of reports)					
118. Solomon Islands	17 March 1982	Overdue (Without report: E/C.12/1999/SR.9) E/1990/5/Add.50 (E/C.12/2002/SR.38 and 39)			Due on 30 June 2005		
119. Somalia	24 April 1990	Overdue					
120. Spain	27 July 1977	E/1978/8/Add.26 (E/1980/WG.1/ SR.20)	E/1980/6/Add.28 (E/1982/WG.1/ SR.7)	E/1982/3/Add.22 (E/1983/WG.1/ SR.10-11)	E/1984/7/Add.2 (E/1984/WG.1/ SR.12 and 14)	E/1986/4/Add.6 (E/1986/WG.1/ SR.10 and 13)	E/1990/7/Add.3 (E/C.12/1991/ SR.13-14, 16 and 22)
121. Sri Lanka	11 September 1980	E/1990/5/Add.32 (E/C.12/1998/SR.3-5)			Due on 30 June 2003		
122. Sudan	18 June 1986	E/1990/5/Add.41 (E/C.12/2000/SR.36 and 38-41)			Due 30 June 2003		
123. Suriname	28 March 1977	E/1990/5/Add.20 (E/C.12/1995/SR.13 and 15-16)			Overdue		
124. Sweden	3 January 1976	E/1978/8/Add.5 (E/1980/WG.1/ SR.15)	E/1980/6/Add.8 (E/1981/WG.1/ SR.9)	E/1982/3/Add.2 (E/1982/WG.1/ SR.19-20)	E/1984/7/Add.5 (E/1984/WG.1/ SR.14 and 16)	E/1986/4/Add.13 (E/C.12/1988/ SR.10-11)	E/1990/7/Add.2 (E/C.12/1991/ SR.11-13 and 18)
125. Switzerland	18 September 1992	E/1990/5/Add.33 (E/C.12/1998/SR.37-39)			Overdue		
126. Syrian Arab Republic	3 January 1976	E/1978/8/Add.25 and 31 (E/1983/WG.1/ SR.2)	E/1980/6/Add.9 (E/1981/WG.1/ SR.4)		E/1990/6/Add.1 (E/C.12/1991/SR.7, 9 and 11)		
127. Tajikistan	4 April 1999	Overdue					
128. Thailand	5 December 1999	Overdue (Was due on 30 June 2002)					
129. The former Yugoslav Republic of Macedonia	17 September 1991	Overdue					
130. Togo	24 August 1984	Overdue (Without report: E/C.12/2001/SR.19 and 25)					
131. Trinidad and Tobago	8 March 1979	E/1984/6/Add.21	E/1986/3/Add.11 (E/C.12/1989/SR.17-19)	E/1988/5/Add.1	E/1990/6/Add.30 (E/C.12/2002/SR.15 and 16)		
132. Tunisia	3 January 1976	E/1978/8/Add.3 (E/1980/WG.1/ SR.5-6)	E/1986/3/Add.9 (E/C.12/1989/ SR.9)		E/1990/6/Add.14 (E/C.12/1999/SR.17-19)		
133. Turkmenistan	1 August 1997	Overdue					
134. Uganda	21 April 1987	Overdue					
135. Ukraine	3 January 1976	E/1978/8/Add.22 (E/1980/WG.1/ SR.18)	E/1980/6/Add.24 (E/1982/WG.1/ SR.5-6)	E/1982/3/Add.4 (E/1982/WG.1/ SR.11-12)	E/1984/7/Add.9 (E/1984/WG.1/ SR.13-15)	E/1986/4/Add.5 (E/C.12/1987/ SR.9-11)	E/1990/7/Add.11 (Withdrawn)

Annex I (*continued*)

State party	Date of entry into force	Initial reports			Second periodic reports		
		Articles 6-9	Articles 10-12	Articles 13-15	Articles 6-9	Articles 10-12	Articles 13-15
		(Summary records of consideration of reports)					
136. United Kingdom of Great Britain and Northern Ireland	20 August 1976	E/1978/8/Add.9 and 30 (E/1980/WG.1/ SR.19 and E/1982/WG.1/ SR.1)	E/1980/6/Add.16 and Corr.1, Add.25 and Corr.1 and Add.26 (E/1981/WG.1/ SR.16-17)	E/1982/3/Add.16 (E/1982/WG.1/ SR.19-21)	E/1984/7/Add.20 (E/1985/WG.1/ SR.14 and 17)	E/1986/4/Add.23 (E/C.12/1989/ SR.16-17) E/1986/4/ Add.27-28 (E/C.12/1994/ SR.33-34 and 36-37)	E/1990/7/Add.16 (E/C.12/1994/ SR.33-34 and 36-37)
137. United Republic of Tanzania	11 September 1976	Overdue	E/1980/6/Add.2 (E/1981/WG.1/ SR.5)	Overdue			
138. Uruguay	3 January 1976	E/1990/5/Add.7 (E/C.12/1994/SR.3, 4, 6 and 13)			E/1990/6/Add.10 (E/C.12/1997/SR.42-44)		
139. Uzbekistan	28 December 1995	Overdue					
140. Venezuela	10 August 1978	E/1984/6/Add.1 (E/1984/WG.1/ SR.7-8 and 10)	E/1980/6/Add.38 (E/1986/WG.1/ SR.2 and 5)	E/1982/3/Add.33 (E/1986/WG.1/ SR.12 and 17-18)	E/1990/6/Add.19 (E/C.12/2001/SR.3-5)		
141. Viet Nam	24 December 1982	E/1990/5/Add.10 (E/C.12/1993/SR.9-11)			Overdue		
142. Yemen	9 May 1987	E/1990/5/Add.54 (Received on 18 February 2002 - Pending consideration)					
143. Yugoslavia	3 January 1976	E/1978/8/Add.35 (E/1982/WG.1/ SR.4 and 5)	E/1980/6/Add.30 (E/1983/WG.1/ SR.3)	E/1982/3/Add.39 (E/C.12/1988/ SR.14-15)	E/1984/7/Add.10 (E/1984/WG.1/ SR.16 and 18)	E/1990/6/Add.22 (Withdrawn)	
144. Zambia	10 July 1984	Overdue	E/1986/3/Add.2 (E/1986/WG.1/ SR.4-5 and 7)	Overdue			
145. Zimbabwe	13 August 1991	E/1990/5/Add.28 (E/C.12/1997/SR.8-10 and 14)			Overdue		

Annex I (*continued*)

B. Third and fourth periodic reports

State party	Date of entry into force	Third periodic reports	Fourth periodic reports
		(Summary records of consideration of reports)	
1. Afghanistan	24 April 1983		
2. Albania	4 January 1992		
3. Algeria	12 December 1989	Due on 30 June 2006	
4. Angola	10 April 1992		
5. Argentina	8 November 1986	Overdue	
6. Armenia	13 December 1993		
7. Australia	10 March 1976	E/1994/104/Add.22 (E/C.12/2000/SR.45-47)	Due on 30 June 2005
8. Austria	10 December 1978	Overdue	
9. Azerbaijan	13 November 1992		
10. Bangladesh	5 January 1999		
11. Barbados	3 January 1976		
12. Belarus	3 January 1976	E/1994/104/Add.6 (E/C.12/1996/SR.34-36)	Overdue
13. Belgium	21 July 1983	Due on 30 June 2005	
14. Benin	12 June 1992		
15. Bolivia	12 November 1982		
16. Bosnia and Herzegovina	6 March 1993		
17. Brazil	24 April 1992		
18. Bulgaria	3 January 1976	E/1994/104/Add.16 (E/C.12/1999/SR.30-32)	Overdue
19. Burkina Faso	4 April 1999		
20. Burundi	9 August 1990		
21. Cambodia	26 August 1992		
22. Cameroon	27 September 1984		
23. Canada	19 August 1976	E/1994/104/Add.17 (E/C.12/1998/SR.46-48)	Overdue
24. Cape Verde	6 November 1993		
25. Central African Republic	8 August 1981		

Annex I (*continued*)

State party	Date of entry into force	Third periodic reports	Fourth periodic reports
		(Summary records of consideration of reports)	
26. Chad	9 September 1995		
27. Chile	3 January 1976	Overdue	
28. China	27 June 2001		
29. Colombia	3 January 1976	E/1994/104/Add.2 (E/C.12/1995/SR.33 and 35)	E/C.12/4/Add.6 (E/C.12/2001/SR.63-64) Fifth periodic report due on 30 June 2006
30. Costa Rica	3 January 1976		
31. Côte d'Ivoire	26 June 1992		
32. Croatia	8 October 1991		
33. Cyprus	3 January 1976	E/1994/104/Add.12 (E/C.12/1998/SR.34-36)	Overdue
34. Czech Republic	1 January 1993		
35. Democratic People's Republic of Korea	14 December 1981		
36. Democratic Republic of the Congo	1 February 1977		
37. Denmark**	3 January 1976	E/1994/104/Add.15 (E/C.12/1999/SR.11-13)	Overdue
38. Dominica	17 September 1993		
39. Dominican Republic	4 April 1978	Overdue	
40. Ecuador	3 January 1976		
41. Egypt	14 April 1982		
42. El Salvador	29 February 1980		
43. Equatorial Guinea	25 December 1987		
44. Eritrea	17 July 2001		
45. Estonia	21 January 1992		
46. Ethiopia	11 September 1993		
47. Finland	3 January 1976	E/1994/104/Add.7 (E/C.12/1996/SR.38 and 40)	E/C.12/4/Add.1 (E/C.12/2000/SR.61-63) Fifth periodic report due on 30 June 2005
48. France	4 February 1981	Due on 30 June 2006	
49. Gabon	21 April 1983		
50. Gambia	29 March 1979		
51. Georgia	3 August 1994	Due on 30 June 2007	
52. Germany	3 January 1976	E/1994/104/Add.14 (E/C.12/1998/SR.40-42)	E/C.12/4/Add.3 (E/C.12/2001/SR.48-49) Fifth periodic report due 30 June 2006
53. Ghana	7 December 2000		

Annex I (*continued*)

State party	Date of entry into force	Third periodic reports	Fourth periodic reports
		(Summary records of consideration of reports)	
54. Greece	16 August 1985		
55. Grenada	6 December 1991		
56. Guatemala	19 August 1988		
57. Guinea	24 April 1978		
58. Guinea-Bissau	2 October 1992		
59. Guyana	15 May 1977		
60. Honduras	17 May 1981		
61. Hungary	3 January 1976	Overdue	
62. Iceland	22 November 1979	E/1994/104/Add.25 (Pending consideration)	
63. India	10 July 1979		
64. Iran (Islamic Republic of)	3 January 1976		
65. Iraq	3 January 1976	E/1994/104/Add.9 (E/C.12/1997/SR.33-35)	Overdue
66. Ireland	8 March 1990	Due on 30 June 2007	
67. Israel	3 January 1992		
68. Italy	15 December 1978	E/1994/104/Add.19 (E/C.12/2000/SR.6-8)	Due on 30 June 2005
69. Jamaica	3 January 1976	Due on 30 June 2003	
70. Japan	21 September 1979	Due on 30 June 2006	
71. Jordan	3 January 1976	Due on 30 June 2003	
72. Kenya	3 January 1976		
73. Kuwait	31 August 1996		
74. Kyrgyzstan	7 January 1995		
75. Latvia	14 July 1992		
76. Lebanon	3 January 1976		
77. Lesotho	9 December 1992		
78. Libyan Arab Jamahiriya	3 January 1976		
79. Liechtenstein	10 March 1999		
80. Lithuania	20 February 1992		
81. Luxembourg	18 November 1983	E/1994/104/Add.24 (Pending consideration)	
82. Madagascar	3 January 1976		
83. Malawi	22 March 1994		
84. Mali	3 January 1976		
85. Malta	13 December 1990		
86. Mauritius	3 January 1976		

Annex I (*continued*)

State party	Date of entry into force	Third periodic reports	Fourth periodic reports
		(Summary records of consideration of reports)	
87. Mexico	23 June 1981	E/1994/104/Add.18 (E/C.12/1999/SR.44-46)	
88. Monaco	28 November 1997		
89. Mongolia	3 January 1976	E/1994/104/Add.21 (E/C.12/2000/SR.34-37)	Due on 30 June 2003
90. Morocco	3 August 1979	Due on 30 June 2004	
91. Namibia	28 February 1995		
92. Nepal	14 August 1991		
93. Netherlands	11 March 1979	Overdue	
94. New Zealand	28 March 1979		
95. Nicaragua	12 June 1980		
96. Niger	7 June 1986		
97. Nigeria	29 October 1993		
98. Norway	3 January 1976	E/1994/104/Add.3 (E/C.12/1995/SR.34 and 36-37)	Overdue
99. Panama	8 June 1977	Due on 30 June 2004	
100. Paraguay	10 September 1992		
101. Peru	28 July 1978		
102. Philippines	3 January 1976		
103. Poland	18 June 1977	E/1994/104/Add.13 (E/C.12/1998/SR.10-12)	E/C.12/4/Add.9 (E/C.12/2002/SR.33 and 34) Fifth periodic report due on 30 June 2007
104. Portugal	31 October 1978	E/1994/104/Add.20 (E/C.12/2000/SR.58-60)	Due on 30 June 2005
105. Republic of Korea	10 July 1990	Due on 30 June 2006	
106. Republic of Moldova	26 March 1993		
107. Republic of the Congo	5 January 1984		
108. Romania	3 January 1976	Overdue	
109. Russian Federation	3 January 1976	E/1994/104/Add.8 (E/C.12/1997/SR.11-14)	E/C.12/4/Add.10 (Pending consideration)
110. Rwanda	3 January 1976		
111. Saint Vincent and the Grenadines	9 February 1982		
112. San Marino	18 January 1986		
113. Senegal	13 May 1978	Due on 30 June 2003	
114. Seychelles	5 August 1982		
115. Sierra Leone	23 November 1996		
116. Slovakia	28 May 1993		
117. Slovenia	6 July 1992		

Annex I *(continued)*

State party	Date of entry into force	Third periodic reports	Fourth periodic reports
		(Summary records of consideration of reports)	
118. Solomon Islands	17 March 1982		
119. Somalia	24 April 1990		
120. Spain	27 July 1977	E/1994/104/Add.5 (E/C.12/1996/SR.3 and 5-7)	E/C.12/4/Add.11 (Received on 11 September 2002 - Pending consideration)
121. Sri Lanka	11 September 1980		
122. Sudan	18 June 1986		
123. Suriname	28 March 1977		
124. Sweden	3 January 1976	E/1994/104/Add.1 (E/C.12/1995/SR.13 and 15-16)	E/C.12/4/Add.4 (E/C.12/2001/SR.61-62) Fifth periodic report due on 30 June 2006
125. Switzerland	18 September 1992		
126. Syrian Arab Republic	3 January 1976	E/1994/104/Add.23 (E/C.12/2001/SR.34-35)	Due on 30 June 2006
127. Tajikistan	4 April 1999		
128. Thailand	5 December 1999		
129. The former Yugoslav Republic of Macedonia	17 September 1991		
130. Togo	24 August 1984		
131. Trinidad and Tobago	8 March 1979	Due on 30 June 2007	
132. Tunisia	3 January 1976	Due on 30 June 2004	
133. Turkmenistan	1 August 1997		
134. Uganda	21 April 1987		
135. Ukraine	3 January 1976	E/1994/104/Add.4 (E/C.12/1995/SR.42 and 44-45)	E/C.12/4/Add.2 (E/C.12/2001/SR.40-41) Fifth periodic report due on 30 June 2006
136. United Kingdom of Great Britain and Northern Ireland	20 August 1976	E/1994/104/Add.10 (Hong Kong) (E/C.12/1996/SR.39, 41, 42 and 44) E/1994/104/Add.11 (E/C.12/1997/SR.36-38)	E/C.12/4/Add.5 (overseas territories) E/C.12/4/Add.7 (Crown territories) E/C.12/4/Add.8 (E/C.12/2002/SR.11-13) Fifth periodic report due on 30 June 2007
137. United Republic of Tanzania	11 September 1976		
138. Uruguay	3 January 1976		
139. Uzbekistan	28 December 1995		
140. Venezuela	10 August 1978	Due on 30 June 2006	
141. Viet Nam	24 December 1982		
142. Yemen	9 May 1987		

Annex I (*continued*)

State party	Date of entry into force	Third periodic reports	Fourth periodic reports
		(Summary records of consideration of reports)	
143. Yugoslavia	3 January 1976	Overdue (Was due on 30 June 2002)	
144. Zambia	10 July 1984		
145. Zimbabwe	13 August 1991		

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* The Committee considered the situation in Kenya, without a report, at its eighth session (3rd meeting). It examined the initial report of Kenya (E/1990/5/Add.17) at its tenth session (12th meeting) and requested the State party to submit a new complete report by the end of 1994.

** Fourth periodic report was due on 30 June 1999. At the request of the Government of Denmark, the Committee, at its twenty-first session (1999), decided to extend to 30 June 2001 the deadline for the submission of the fourth periodic report.

ANNEX II

Members of the Committee on Economic, Social and Cultural Rights

Name of member	*Country of nationality*	*Term expires on 31 December*
Mr. Mahmoud Samir AHMED	Egypt	2002
Mr. Clément ATANGANA	Cameroon	2002
Ms. Rocío BARAHONA-RIERA	Costa Rica	2004
Ms. Virginia BONOAN-DANDAN	Philippines	2002
Mr. Dumitru CEAUSU	Romania	2004
Mr. Abdessatar GRISSA	Tunisia	2004
Mr. Paul HUNT	New Zealand	2002
Mr. Yuri KOLOSOV	Russian Federation	2002
Mr. Giorgio MALINVERNI	Switzerland	2004
Mr. Jaime MARCHÁN ROMERO	Ecuador	2002
Mr. Sergei MARTYNOV	Belarus	2004
Mr. Ariranga Govindasamy PILLAY	Mauritius	2004
Mr. Kenneth Osborne RATTRAY	Jamaica	2004
Mr. Eibe RIEDEL	Germany	2002
Mr. Waleed M. SADI	Jordan	2004
Mr. Philippe TEXIER	France	2004
Mr. Nutan THAPALIA	Nepal	2002
Mr. Javier WIMER ZAMBRANO	Mexico	2002

ANNEX III

A. Agenda of the twenty-eighth session of the Committee on Economic, Social and Cultural Rights (29 April-17 May 2002)

1. Adoption of the agenda.

2. Organization of work.

3. Substantive issues arising in the implementation of the International Covenant on Economic, Social and Cultural Rights.

4. Follow-up to the Committee's consideration of reports under articles 16 and 17 of the Covenant.

5. Relations with United Nations organs and other treaty bodies.

6. Consideration of reports:

    (a) Reports submitted by States parties in accordance with articles 16 and 17 of the Covenant;

    (b) Reports submitted by specialized agencies in accordance with article 18 of the Covenant.

7. Submission of reports by States parties in accordance with articles 16 and 17 of the Covenant.

8. Formulation of suggestions and recommendations of a general nature based on the consideration of reports submitted by States parties to the Covenant and by the specialized agencies.

9. Miscellaneous matters.

B. Agenda of the twenty-ninth session of the Committee on Economic, Social and Cultural Rights (11-29 November 2002)

1. Adoption of the agenda.

2. Organization of work.

3. Substantive issues arising in the implementation of the International Covenant on Economic, Social and Cultural Rights.

4. Follow-up to the Committee's consideration of reports under articles 16 and 17 of the Covenant.

5. Relations with United Nations organs and other treaty bodies.

6. Consideration of reports:

    (a) Reports submitted by States parties in accordance with articles 16 and 17 of the Covenant;

    (b) Reports submitted by specialized agencies in accordance with article 18 of the Covenant.

7. Submission of reports by States parties in accordance with articles 16 and 17 of the Covenant.

8. Formulation of suggestions and recommendations of a general nature based on the consideration of reports submitted by States parties to the Covenant and by the specialized agencies.

9. Adoption of the report.

10. Miscellaneous matters.

ANNEX IV

General comment no. 15 (2002)*

The right to water (arts. 11 and 12 of the Covenant)

Introduction

1. Water is a limited natural resource and a public good fundamental for life and health. The human right to water is indispensable for leading a life in human dignity. It is a prerequisite for the realization of other human rights. The Committee has been confronted continually with the widespread denial of the right to water in developing as well as developed countries. Over one billion persons lack access to a basic water supply, while several billion do not have access to adequate sanitation, which is the primary cause of water contamination and diseases linked to water.[a] The continuing contamination, depletion and unequal distribution of water is exacerbating existing poverty. States parties have to adopt effective measures to realize, without discrimination, the right to water, as set out in this general comment.

The legal bases of the right to water

2. The human right to water entitles everyone to sufficient, safe, acceptable, physically accessible and affordable water for personal and domestic uses. An adequate amount of safe water is necessary to prevent death from dehydration, to reduce the risk of water-related disease and to provide for consumption, cooking, personal and domestic hygienic requirements.

3. Article 11, paragraph 1, of the International Covenant on Economic, Social and Cultural Rights specifies a number of rights emanating from, and indispensable for, the realization of the right to an adequate standard of living "including adequate food, clothing and housing". The use of the word "including" indicates that this catalogue of rights was not intended to be exhaustive. The right to water clearly falls within the category of guarantees essential for securing an adequate standard of living, particularly since it is one of the most fundamental conditions for survival. Moreover, the Committee has previously recognized that water is a human right contained in article 11, paragraph 1 (see its general comment no. 6 (1995) on the economic, social and cultural rights of older persons, in particular paras. 5 and 32). The right to water is also inextricably related to the right to the highest attainable standard of health as set out in article 12, paragraph 1 of the Covenant (see general comment no. 14 (2000), in particular paras. 11, 12 (*a*), (*b*) and (*d*), 15, 34, 36, 40, 43 and 51) and the rights to food and adequate

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* Adopted at the twenty-ninth session (51st meeting) of the Committee, on 26 November 2002.

[a] In 2000, the World Health Organization (WHO) estimated that 1.1 billion persons (80 per cent of them rural dwellers) did not have access to an improved water supply able to provide at least 20 litres of safe water per person a day; 2.4 billion persons were estimated to be without sanitation (see WHO/UNICEF, *The Global Water Supply and Sanitation Assessment 2000,* Geneva, 2000, p. 1). Further, 2 billion persons each year suffer from diseases linked to water (see the report of the Secretary-General entitled "Comprehensive Assessment of the Freshwater Resources of the World" (E/CN.17/1997/9)).

housing, also set out in article 11, paragraph 1 (see general comment no. 4 (1991) on the right to adequate housing, in particular paragraph 8 (*b*)).[b] The right should also be seen in conjunction with other rights enshrined in the International Bill of Human Rights, adopted by the General Assembly in its resolution 217 (III) of 10 December 1948, foremost amongst them the right to life and human dignity.

4. The right to water has been recognized in a wide range of international documents, including treaties, declarations and other standards.[c] For instance, article 14, paragraph 2, of the Convention on the Elimination of All Forms of Discrimination against Women stipulates that States parties shall ensure to women the right to "enjoy adequate living conditions, particularly in relation to […] water supply". Article 24, paragraph 2, of the Convention on the Rights of the Child requires States parties to combat disease and malnutrition "through the provision of adequate nutritious foods and clean drinking-water".

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[b] See also the report by Commission on Human Rights Special Rapporteur on adequate housing, Mr. Miloon Kothari (E/CN.4/2002/59 and Corr.1) and the report by Mr. Jean Ziegler, Special Rapporteur of the Commission on the right to food (E/CN.4/2002/58 and Add.1).

[c] See article 14, paragraph 2 (*h*), of the Convention on the Elimination of All Forms of Discrimination against Women; article 24, paragraph. 2 (*c*), of the Convention on the Rights of the Child; articles 20, 26, 29 and 46 of the Geneva Convention relative to the Treatment of Prisoners of War, of 12 August 1949; articles 85, 89 and 127 of the Geneva Convention relative to the Treatment of Civilian Persons in Time of War, of 12 August 1949; articles 54 and 55 of Additional Protocol I thereto of 8 June 1977; articles 5 and 14 of Additional Protocol II to these conventions of 8 June 1977; preamble to the Mar Del Plata Action Plan adopted by the United Nations Water Conference; paragraph 18.47 of Agenda 21 adopted by the United Nations Conference on Environment and Development (*Report of the United Nations Conference on Environment and Development, Rio de Janeiro, 3-14 June 1992* (A/CONF.151/26/Rev.1, vol. I, vol. I/Corr.1, vol. II, vol. III and vol. III/Corr.1)) (United Nations publication, Sales No. E.93.I.8 and corrigenda), vol. I: *Resolutions adopted by the Conference*, resolution 1, annex II); principle 3, Dublin Statement on Water and Sustainable Development, adopted by the International Conference on Water and the Environment (A/CONF.151/PC/112); principle 2 of the Programme of Action of the International Conference on Population and Development (*Report of the International Conference on Population and Development, Cairo, 5-13 September 1994* (United Nations publication, Sales No. E.95.XIII.18), chap. I, resolution 1, annex); paragraphs 5 and 19 of recommendation Rec (2001)14 of the Committee of Ministers to member countries on the European Charter on Water Resources; and resolution 2002/6 of the Sub-Commission on the Promotion and Protection of Human Rights on the promotion of the realization of the right to drinking water and sanitation. See also the report on the relationship between the enjoyment of economic, social and cultural rights and the promotion of the realization of the right to drinking water supply and sanitation (E/CN.4/Sub.2/2002/10) submitted by the Special Rapporteur on the promotion of the realization of the right to drinking water supply and sanitation of the Sub-Commission, Mr. El Hadji Guissé.

5. The right to water has been consistently addressed by the Committee during its consideration of States parties' reports, in accordance with its revised General Guidelines regarding the form and content of reports to be submitted by States parties under articles 16 and 17 of the International Covenant on Economic, Social and Cultural Rights,[d] and its general comments.

6. Water is required for a range of different purposes, besides personal and domestic uses, to realize many of the Covenant rights. For instance, water is necessary to produce food (right to adequate food) and ensure environmental hygiene (right to health). Water is essential for securing livelihoods (right to gain a living by work) and enjoying certain cultural practices (right to take part in cultural life). Nevertheless, priority in the allocation of water must be given to the right to water for personal and domestic uses. Priority should also be given to the water resources required to prevent starvation and disease, as well as water required to meet the core obligations of each of the Covenant rights.[e]

Water and Covenant rights

7. The Committee notes the importance of ensuring sustainable access to water resources for agriculture to realize the right to adequate food (see general comment no.12 (1999) on the right to adequate food (article 11 of the Covenant), in particular paragraphs 12 and 13[f]). Attention should be given to ensuring that disadvantaged and marginalized farmers, including women farmers, have equitable access to water and water management systems, including sustainable rain harvesting and irrigation technology. Taking note of the duty in article 1, paragraph 2, of the Covenant, which provides that a people may not "be deprived of its own means of subsistence", States parties should ensure that there is adequate access to water for subsistence farming and for securing the livelihoods of indigenous peoples.[g]

8. Environmental hygiene, as an aspect of the right to health under article 12, paragraph 2 (*b*), of the Covenant, encompasses taking steps on a non-discriminatory basis to prevent threats to health from unsafe and toxic water conditions (see also para. 15 of the Committee's general comment no. 14 (2000)). For example, States parties should ensure that

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[d] *Official Records of the Economic and Social Council, 1991, Supplement No. 3* (E/1991/23-E/C.12/1990/8), annex IV.

[e] See also paragraph 25 (*c*) of the Plan of Implementation of the World Summit on Sustainable Development (*Report of the World Summit on Sustainable Development, Johannesburg, South Africa, 26 August-4 September 2002* (United Nations publication, Sales No. E.03.II.A.1), resolution 2, annex).

[f] This relates to both availability and to accessibility of the right to adequate food.

[g] See also the statement of understanding concerning article 10 of the draft convention on the law of non-navigational uses of watercourses (A/51/869, para. 8), which stated that, in determining vital human needs in the event of conflicts over the use of watercourses "special attention is to be paid to providing sufficient water to sustain human life, including both drinking water and water required for production of food in order to prevent starvation".

natural water resources are protected from contamination by harmful substances and pathogenic microbes. Likewise, States parties should monitor and combat situations where aquatic ecosystems serve as a habitat for vectors of diseases wherever they pose a risk to human living environments.[h]

9. With a view to assisting States parties' implementation of the Covenant and the fulfilment of their periodic reporting obligations, this general comment focuses on the normative content of the right to water in article 11, paragraph 1, and article 12 (sect. A), on States parties' obligations (sect. B), on violations (sect. C) and on implementation at the national level (sect. D), while the obligations of actors other than States parties are addressed in section E.

A. Normative content of the right to water

10. The right to water contains both freedoms and entitlements. The freedoms include the right to maintain access to existing water supplies necessary for the right to water, and the right to be free from interference, such as the right to be free from arbitrary disconnections or contamination of water supplies. By contrast, the entitlements include the right to a system of water supply and management that provides equality of opportunity for people to enjoy the right to water.

11. The elements of the right to water must be adequate for human dignity, life and health, in accordance with article 11, paragraph 1, and article 12 of the Covenant. The adequacy of water should not be interpreted narrowly, by mere reference to volumetric quantities and technologies. Water should be treated as a social and cultural good, and not primarily as an economic good. The manner of the realization of the right to water must also be sustainable, ensuring that the right can be realized for present and future generations.[i]

12. While the adequacy of water required for the right to water may vary according to different conditions, the following factors apply in all circumstances:

(*a*) *Availability*. The water supply for each person must be sufficient and continuous[j] for personal and domestic uses. These uses ordinarily include drinking, personal sanitation, washing of clothes, food preparation, personal and household hygiene.[k] The quantity of water available for each person should correspond to World Health Organization (WHO) guidelines.[l] Some individuals and groups may also require additional water due to health, climate, and work conditions;

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[h] According to the WHO definition, vector-borne diseases include diseases transmitted by insects (malaria, filariasis, dengue, Japanese encephalitis and yellow fever), diseases for which aquatic snails serve as intermediate hosts (schistosomiasis) and zoonoses with vertebrates as reservoir hosts.

[i] For a definition of sustainability, see principles 1, 8-10, 12 and 15 of the Rio Declaration on Environment and Development *(Report of the United Nations Conference on Environment and Development, Rio de Janeiro, 3-14 June 1992* (A/CONF.151/26/Rev.1 (vol. I, vol. I/Corr.1, vol. II, vol. III and vol. III/Corr.1) (United Nations publication, Sales No. E.93.I.8 and corrigenda), vol. I: *Resolutions adopted by the Conference*, resolution 1, annex I), and Agenda 21 (ibid., annex II), in particular paragraphs 5.3, 7.27, 7.28, 7.35, 7.39, 7.41, 18.3, 18.8, 18.35, 18.40, 18.48, 18.50, 18.59 and 18.68.

[j] "Continuous" means that the regularity of the water supply is sufficient for personal and domestic uses.

(*b*) *Quality*. The water required for each personal or domestic use must be safe, therefore free from micro-organisms, chemical substances and radiological hazards that constitute a threat to a person's health.[m] Furthermore, water should be of an acceptable colour, odour and taste for each personal or domestic use.

(*c*) *Accessibility*. Water and water facilities and services have to be accessible to everyone without discrimination, within the jurisdiction of the State party. Accessibility has four overlapping dimensions:

(i) *Physical accessibility*: water, and adequate water facilities and services, must be within safe physical reach for all sections of the population. Sufficient, safe and acceptable water must be accessible within, or in the immediate vicinity, of each household,[n] educational institution and workplace (see also para. 8 (*b*) of general comment no. 4 (1991) and para. 6 (*a*) of general comment no. 13 (1999) on the right to education (art. 13 of the Covenant), and paras. 8 (*a*) and (*b*) of general comment no. 14 (2000)). All water facilities and services must be of sufficient quality, culturally appropriate and sensitive to gender, life-cycle and privacy requirements. Physical security should not be threatened during access to water facilities and services;

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[k] In this context, "drinking" means water for consumption through beverages and foodstuffs. "Personal sanitation" means disposal of human excreta. Water is necessary for personal sanitation where water-based means are adopted. "Food preparation" includes food hygiene and preparation of foodstuffs, whether water is incorporated into, or comes into contact with, food. "Personal and household hygiene" means personal cleanliness and hygiene of the household environment.

[l] See Guy Howard and J. Bartram, *Domestic Water Quantity, Service Level and Health*, WHO, 2003. See also Peter H. Gleick, "Basic water requirements for human activities: meeting basic needs", *Water International*, No. 21, 1996, pp. 83-92.

[m] See WHO, *Guidelines for Drinking-Water Quality*, 2nd edition, Geneva, 1994; these Guidelines are intended to be used as a basis for the development of national standards that, if properly implemented, will ensure the safety of drinking water supplies through the elimination of, or reduction to a minimum concentration, of constituents of water that are known to be hazardous to health.

[n] Household includes a permanent or semi-permanent dwelling, or a temporary halting site.

(ii) *Economic accessibility*: Water, and water facilities and services, must be affordable for all. The direct and indirect costs and charges associated with securing water must be affordable, and must not compromise or threaten the realization of other Covenant rights;

(iii) *Non-discrimination*: Water and water facilities and services must be accessible to all, including the most vulnerable or marginalized sections of the population, in law and in fact, without discrimination on any of the prohibited grounds; and

(iv) *Information accessibility*: accessibility includes the right to seek, receive and impart information concerning water issues (see para. 48 below).

Special topics of broad application

Non-discrimination and equality

13. The obligation of States parties to guarantee that the right to water is enjoyed without discrimination (art. 2, para. 2, of the Covenant), and equally between men and women (art. 3), pervades all of the Covenant obligations. The Covenant thus proscribes any discrimination on the grounds of race, colour, sex, age, language, religion, political or other opinion, national or social origin, property, birth, physical or mental disability, health status (including HIV/AIDS), sexual orientation and civil, political, social or other status, which has the intention or effect of nullifying or impairing the equal enjoyment or exercise of the right to water. The Committee recalls paragraph 12 of general comment no. 3 (1990) on the nature of States parties' obligations (art. 2, para. 1, of the Covenant), which states that even in times of severe resource constraints, the vulnerable members of society must be protected by the adoption of relatively low-cost targeted programmes.

14. States parties should take steps to remove de facto discrimination on prohibited grounds, where individuals and groups are deprived of the means or entitlements necessary for achieving the right to water. States parties should ensure that the allocation of water resources, and investments in water, facilitate access to water for all members of society. Inappropriate resource allocation can lead to discrimination that may not be overt. For example, investments should not disproportionately favour expensive water supply services and facilities that are often accessible only to a small, privileged fraction of the population, rather than investing in services and facilities that benefit a far larger part of the population.

15. With respect to the right to water, States parties have a special obligation to provide those who do not have sufficient means with the necessary water and water facilities and to prevent any discrimination on internationally prohibited grounds in the provision of water and water services.

16. Whereas the right to water applies to everyone, States parties should give special attention to those individuals and groups who have traditionally faced difficulties in exercising this right, including women, children, minority groups, indigenous peoples, refugees, asylum-seekers, internally displaced persons, migrant workers, prisoners and detainees. In particular, States parties should take steps to ensure that:

(*a*) Women are not excluded from decision-making processes concerning water resources and entitlements. The disproportionate burden women bear in the collection of water should be alleviated;

(*b*) Children are not prevented from enjoying their human rights due to the lack of adequate water in educational institutions and households or through the burden of collecting water. Provision of adequate water to educational institutions currently without adequate drinking water should be addressed as a matter of urgency;

(*c*) Rural and deprived urban areas have access to properly maintained water facilities. Access to traditional water sources in rural areas should be protected from unlawful encroachment and pollution. Deprived urban areas, including informal human settlements, and homeless persons, should have access to properly maintained water facilities. No household should be denied the right to water on the grounds of their housing or land status;

(*d*) Indigenous peoples' access to water resources on their ancestral lands is protected from encroachment and unlawful pollution. States should provide resources for indigenous peoples to design, deliver and control their access to water;

(*e*) Nomadic and traveller communities have access to adequate water at traditional and designated halting sites;

(*f*) Refugees, asylum-seekers, internally displaced persons and returnees have access to adequate water whether they stay in camps or in urban and rural areas. Refugees and asylum-seekers should be granted the right to water on the same conditions as granted to nationals;

(*g*) Prisoners and detainees are provided with sufficient and safe water for their daily individual requirements, taking note of the requirements of international humanitarian law and the Standard Minimum Rules for the Treatment of Prisoners;[o]

(*h*) Groups facing difficulties with physical access to water, such as older persons, persons with disabilities, victims of natural disasters, persons living in disaster-prone areas, and those living in arid and semi-arid areas, or on small islands are provided with safe and sufficient water.

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[o] See articles 20, 26, 29 and 46 of the Geneva Convention relative to the Treatment of Prisoners of War, of 12 August 1949; articles. 85, 89 and 127 of the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949; and article 15 and article 20, paragraph 2, of the Standard Minimum Rules for the Treatment of Prisoners (*First United Nations Congress on the Prevention of Crime and the Treatment of Offenders, Geneva, 22 August-3 September 1955: report prepared by the Secretariat* (United Nations publication, Sales No. 1956.IV.4), annex I, section A).

B. States parties' obligations

General legal obligations

17. While the Covenant provides for progressive realization and acknowledges the constraints due to the limits of available resources, it also imposes on States parties various obligations which are of immediate effect. States parties have immediate obligations in relation to the right to water, such as the guarantee that the right will be exercised without discrimination of any kind (art. 2, para. 2) and the obligation to take steps (art. 2, para. 1) towards the full realization of article 11, paragraph 1, and article 12. Such steps must be deliberate, concrete and targeted towards the full realization of the right to water.

18. States parties have a constant and continuing duty under the Covenant to move as expeditiously and effectively as possible towards the full realization of the right to water. Realization of the right should be feasible and practicable, since all States parties exercise control over a broad range of resources, including water, technology, financial resources and international assistance, as with all other rights in the Covenant.

19. There is a strong presumption that retrogressive measures taken in relation to the right to water are prohibited under the Covenant (see para. 9 of the Committee's general comment no. 3 (1990)). If any deliberately retrogressive measures are taken, the State party has the burden of proving that they have been introduced after the most careful consideration of all alternatives and that they are duly justified by reference to the totality of the rights provided for in the Covenant in the context of the full use of the State party's maximum available resources.

Specific legal obligations

20. The right to water, like any human right, imposes three types of obligations on States parties: obligations to *respect*, obligations to *protect* and obligations to *fulfil*.

(a) Obligation to respect

21. The obligation to respect requires that States parties refrain from interfering directly or indirectly with the enjoyment of the right to water. The obligation includes, inter alia, refraining from engaging in any practice or activity that denies or limits equal access to adequate water; arbitrarily interfering with customary or traditional arrangements for water allocation; unlawfully diminishing or polluting water, for example through waste from State-owned facilities or through use and testing of weapons; and limiting access to, or destroying, water services and infrastructure as a punitive measure, for example, during armed conflicts in violation of international humanitarian law.

22. The Committee notes that during armed conflicts, emergency situations and natural disasters, the right to water embraces those obligations by which States parties are bound under international humanitarian law.[p] This includes protection of objects indispensable for survival of

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[p] For the interrelationship of human rights law and humanitarian law, the Committee notes the conclusions of the International Court of Justice in its advisory opinion - in response to the request by the General Assembly in its resolution 49/75 K of 15 December 1994 - in *Legality of the Threat or Use of Nuclear Weapons*, (*Reports of Judgments, Advisory Opinions and Orders 1996*, p. 226, and in particular p. 256, para. 75).

the civilian population, including drinking water installations and supplies and irrigation works, protection of the natural environment against widespread, long-term and severe damage and ensuring that civilians, internees and prisoners have access to adequate water.[q]

(b) Obligation to protect

23. The obligation to protect requires State parties to prevent third parties from interfering in any way with the enjoyment of the right to water. Third parties include individuals, groups, corporations and other entities as well as agents acting under their authority. The obligation includes, inter alia, adopting the necessary and effective legislative and other measures to restrain, for example, third parties from denying equal access to adequate water; and polluting and inequitably extracting from water resources, including natural sources, wells and other water distribution systems.

24. Where water services (such as piped water networks, water tankers, access to rivers and wells) are operated or controlled by third parties, States parties must prevent them from compromising equal, affordable, and physical access to sufficient, safe and acceptable water. To prevent such abuses an effective regulatory system must be established, in conformity with the Covenant and this General Comment, which includes independent monitoring, genuine public participation and imposition of penalties for non-compliance.

(c) Obligation to fulfil

25. The obligation to fulfil can be disaggregated into the obligations to facilitate, promote and provide. The obligation to facilitate requires the State to take positive measures to assist individuals and communities to enjoy the right. The obligation to promote obliges the State party to take steps to ensure that there is appropriate education concerning the hygienic use of water, protection of water sources and methods to minimize water wastage. States parties are also obliged to fulfil (provide) the right when individuals or a group are unable, for reasons beyond their control, to realize that right themselves by the means at their disposal.

26. The obligation to fulfil requires States parties to adopt the necessary measures directed towards the full realization of the right to water. The obligation includes, inter alia, according sufficient recognition of this right within the national political and legal systems, preferably by way of legislative implementation; adopting a national water strategy and plan of action to realize this right; ensuring that water is affordable for everyone; and facilitating improved and sustainable access to water, particularly in rural and deprived urban areas.

27. To ensure that water is affordable, States parties must adopt the necessary measures that may include, inter alia: (*a*) use of a range of appropriate low-cost techniques and technologies; (*b*) appropriate pricing policies such as free or low-cost water; and (*c*) income supplements. Any

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[q] See articles 54 and 55 of Additional Protocol I and article 14 of Additional Protocol II of 1977 to the Geneva Conventions of 12 August 1949, articles. 20 and 46 of the Geneva Convention relative to the Treatment of Prisoners of War, and common article 3 of the Geneva Conventions.

payment for water services has to be based on the principle of equity, ensuring that these services, whether privately or publicly provided, are affordable for all, including socially disadvantaged groups. Equity demands that poorer households should not be disproportionately burdened with water expenses as compared to richer households.

28. States parties should adopt comprehensive and integrated strategies and programmes to ensure that there is sufficient and safe water for present and future generations.[r] Such strategies and programmes may include: (*a*) reducing depletion of water resources through unsustainable extraction, diversion and damming; (*b*) reducing and eliminating contamination of watersheds and water-related ecosystems by substances such as radiation, harmful chemicals and human excreta; (*c*) monitoring water reserves; (*d*) ensuring that proposed developments do not interfere with access to adequate water; (*e*) assessing the impacts of actions that may impinge upon water availability and natural-ecosystems watersheds, such as climate changes, desertification and increased soil salinity, deforestation and loss of biodiversity;[s] (*f*) increasing the efficient use of water by end-users; (*g*) reducing water wastage in its distribution; (*h*) response mechanisms for emergency situations; (*i*) and establishing competent institutions and appropriate institutional arrangements to carry out the strategies and programmes.

29. Ensuring that everyone has access to adequate sanitation is not only fundamental for human dignity and privacy, but is one of the principal mechanisms for protecting the quality of drinking water supplies and resources.[t] In accordance with the rights to adequate housing and health (see the Committee's general comments no. 4 (1991) and no. 14 (2000), respectively) States parties have an obligation to progressively extend safe sanitation services, particularly to rural and deprived urban areas, taking into account the needs of women and children.

International obligations

30. Article 2, paragraph 1, and articles 11, paragraph 1, and 23 of the Covenant require that States parties recognize the essential role of international cooperation and assistance and take joint and separate action to achieve the full realization of the right to water.

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[r] See chapters 5 ,7 and 18 of Agenda 21 (footnote *c* above); and paragraphs 6, 7 (*a*), (*l*) and (*m*), 36 and 38 of the Plan of Implementation, World Summit on Sustainable Development (footnote *e* above).

[s] See the Convention on Biological Diversity, the United Nations Convention to Combat Desertification in those Countries Experiencing Serious Drought and/or Desertification, particularly in Africa, the United Nations Framework Convention on Climate Change, and subsequent protocols.

[t] Article 14, para. 2 (*h*), of the Convention on the Elimination of All Forms of Discrimination against Women stipulates that States parties shall ensure to women the right to "adequate living conditions, particularly in relation to […] sanitation". Article 24, paragraph 2 (*e*) of the Convention on the Rights of the Child requires States parties to ensure that all segments of society are informed and are supported in the use of basic knowledge of the advantages of hygiene and environmental sanitation.

31. To comply with their international obligations in relation to the right to water, States parties have to respect the enjoyment of the right in other countries. International cooperation requires States parties to refrain from actions that interfere, directly or indirectly, with the enjoyment of the right to water in other countries. Any activities undertaken within the State party's jurisdiction should not deprive another country of the ability to realize the right to water for persons in its jurisdiction.[u]

32. States parties should refrain at all times from imposing embargoes or similar measures, that prevent the supply of water, as well as goods and services essential for securing the right to water. Water should never be used as an instrument of political and economic pressure. In this regard, the Committee recalls its position, stated in its general comment no. 8 (1997), on the relationship between economic sanctions and respect for economic, social and cultural rights.[v]

33. Steps should be taken by States parties to prevent their own citizens and companies from violating the right to water of individuals and communities in other countries. Where States parties can take steps to influence other third parties to respect the right, through legal or political means, such steps should be taken in accordance with the Charter of the United Nations and applicable international law.

34. Depending on the availability of resources, States should facilitate realization of the right to water in other countries, for example through provision of water resources, financial and technical assistance, and provide the necessary aid when required. In disaster relief and emergency assistance, including assistance to refugees and displaced persons, priority should be given to Covenant rights, including the provision of adequate water. International assistance should be provided in a manner that is consistent with the Covenant and other human rights standards, and sustainable and culturally appropriate. The economically developed States parties have a special responsibility and interest to assist the poorer developing States in this regard.

35. States parties should ensure that the right to water is given due attention in international agreements and, to that end, should consider the development of further legal instruments. With regard to the conclusion and implementation of other international and regional agreements, States parties should take steps to ensure that these instruments do not adversely impact upon the right to water. Agreements concerning trade liberalization should not curtail or inhibit a country's capacity to ensure the full realization of the right to water.

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[u] The Committee notes that articles 5-7 and 10 of the Convention on the Law of Non-Navigational Uses of Watercourses requires that economic and social needs be taken into account in determining the equitable utilization of watercourses, that States parties take measures to prevent significant harm being caused, and, in the event of conflict, special regard must be given to the requirements of vital human needs.

[v] The Committee noted the disruptive effect of sanctions upon sanitation supplies and clean drinking water, and that sanctions regimes should provide for repairs to infrastructure essential to provide clean water.

36. States parties should ensure that their actions as members of international organizations take due account of the right to water. Accordingly, States parties that are members of international financial institutions, notably IMF, the International Bank for Reconstruction and Development (World Bank), and regional development banks, should take steps to ensure that the right to water is taken into account in their lending policies, credit agreements and other international measures.

Core obligations

37. In its general comment no. 3 (1990), the Committee confirms that States parties have a core obligation to ensure the satisfaction of, at the very least, minimum essential levels of each of the rights enunciated in the Covenant. In the Committee's view, at least a number of core obligations in relation to the right to water can be identified, which are of immediate effect:

(*a*) To ensure access to the minimum essential amount of water, that is sufficient and safe for personal and domestic uses to prevent disease;

(*b*) To ensure the right of access to water and water facilities and services on a non-discriminatory basis, especially for disadvantaged or marginalized groups;

(*c*) To ensure physical access to water facilities or services that provide sufficient, safe and regular water; that have a sufficient number of water outlets to avoid prohibitive waiting times; and that are at a reasonable distance from the household;

(*d*) To ensure personal security is not threatened when having to physically access to water;

(*e*) To ensure equitable distribution of all available water facilities and services;

(*f*) To adopt and implement a national water strategy and plan of action addressing the whole population; the strategy and plan of action should be devised, and periodically reviewed, on the basis of a participatory and transparent process; it should include methods, such as right to water indicators and benchmarks, by which progress can be closely monitored; the process by which the strategy and plan of action are devised, as well as their content, shall give particular attention to all disadvantaged or marginalized groups;

(*g*) To monitor the extent of the realization, or the non-realization, of the right to water;

(*h*) To adopt relatively low-cost targeted water programmes to protect vulnerable and marginalized groups;

(*i*) To take measures to prevent, treat and control diseases linked to water, in particular ensuring access to adequate sanitation.

38. For the avoidance of any doubt, the Committee wishes to emphasize that it is particularly incumbent on States parties, and other actors in a position to assist, to provide international assistance and cooperation, especially economic and technical which enables developing countries to fulfil their core obligations indicated in paragraph 37 above.

C. Violations

39. When the normative content of the right to water (sect. A above) is applied to the obligations of States parties (sect. B above), a process is set in motion, which facilitates identification of violations of the right to water. The following paragraphs provide illustrations of violations of the right to water.

40. To demonstrate compliance with their general and specific obligations, States parties must establish that they have taken the necessary and feasible steps towards the realization of the right to water. In accordance with international law, a failure to act in good faith to take such steps amounts to a violation of the right. It should be stressed that a State party cannot justify its non-compliance with the core obligations set out in paragraph 37 above, which are non-derogable.

41. In determining which actions or omissions amount to a violation of the right to water, it is important to distinguish the inability from the unwillingness of a State party to comply with its obligations in relation to the right to water. This follows from article 11, paragraph 1, and article 12, which speak of the right to an adequate standard of living and the right to health, as well as from article 2, paragraph 1, of the Covenant, which obliges each State party to take the necessary steps to the maximum of its available resources. A State which is unwilling to use the maximum of its available resources for the realization of the right to water is in violation of its obligations under the Covenant. If resource constraints render it impossible for a State party to comply fully with its Covenant obligations, it has the burden of justifying that every effort has nevertheless been made to use all available resources at its disposal in order to satisfy, as a matter of priority, the obligations outlined above.

42. Violations of the right to water can occur through acts of commission, the direct actions of States parties or other entities insufficiently regulated by States. Violations include, for example, the adoption of retrogressive measures incompatible with the core obligations (see para. 37 above), the formal repeal or suspension of legislation necessary for the continued enjoyment of the right to water, or the adoption of legislation or policies which are manifestly incompatible with pre-existing domestic or international legal obligations in relation to the right to water.

43. Violations through acts of omission include the failure to take appropriate steps towards the full realization of everyone's right to water, the failure to have a national policy on water, and the failure to enforce relevant laws.

44. While it is not possible to specify a complete list of violations in advance, a number of typical examples relating to the levels of obligations, emanating from the Committee's work, may be identified:

(*a*) Violations of the obligation to respect follow from the State party's interference with the right to water. This includes, inter alia: (i) arbitrary or unjustified disconnection or exclusion from water services or facilities; (ii) discriminatory or unaffordable increases in the price of water; and (iii) pollution and diminution of water resources affecting human health;

(*b*) Violations of the obligation to protect follow from the failure of a State party to take all necessary measures to safeguard persons within their jurisdiction from infringements of the right to water by third parties (see para. 23 above). This includes, inter alia: (i) failure to enact or enforce laws to prevent the contamination and inequitable extraction of water; (ii) failure to effectively regulate and control water services providers; (iii) failure to protect water distribution systems (e.g., piped networks and wells) from interference, damage and destruction; and

(*c*) Violations of the obligation to fulfil occur through the failure of States parties to take all necessary steps to ensure the realization of the right to water. Examples include, inter alia: (i) failure to adopt or implement a national water policy designed to ensure the right to water for everyone; (ii) insufficient expenditure or misallocation of public resources which results in the non-enjoyment of the right to water by individuals or groups, particularly the vulnerable or marginalized; (iii) failure to monitor the realization of the right to water at the national level, for example by identifying right-to-water indicators and benchmarks; (iv) failure to take measures to reduce the inequitable distribution of water facilities and services; (v) failure to adopt mechanisms for emergency relief; (vi) failure to ensure that the minimum essential level of the right is enjoyed by everyone; (vii) failure of a State to take into account its international legal obligations regarding the right to water when entering into agreements with other States or with international organizations.

D. Implementation at the national level

45. In accordance with article 2, paragraph 1, of the Covenant, States parties are required to utilize "all appropriate means, including particularly the adoption of legislative measures" in the implementation of their Covenant obligations. Every State party has a margin of discretion in assessing which measures are most suitable to meet its specific circumstances. The Covenant, however, clearly imposes a duty on each State party to take whatever steps are necessary to ensure that everyone enjoys the right to water, as soon as possible. Any national measures designed to realize the right to water should not interfere with the enjoyment of other human rights.

Legislation, strategies and policies

46. Existing legislation, strategies and policies should be reviewed to ensure that they are compatible with obligations arising from the right to water, and should be repealed, amended or changed if inconsistent with Covenant requirements.

47. The duty to take steps clearly imposes on States parties an obligation to adopt a national strategy or plan of action to realize the right to water. The strategy must: (*a*) be based upon human rights law and principles; (*b*) cover all aspects of the right to water and the corresponding obligations of States parties; (*c*) define clear objectives; (*d*) set targets or goals to be achieved and the time frame for their achievement; (*e*) formulate adequate policies and corresponding benchmarks and indicators. The strategy should also establish institutional responsibility for the process; identify resources available to attain the objectives, targets and goals; allocate resources appropriately according to institutional responsibility; and establish accountability mechanisms

to ensure the implementation of the strategy. When formulating and implementing their right to water national strategies, States parties should avail themselves of technical assistance and cooperation of the United Nations specialized agencies (see sect. E below).

48. The formulation and implementation of national water strategies and plans of action should respect, inter alia, the principles of non-discrimination and people's participation. The right of individuals and groups to participate in decision-making processes that may affect their exercise of the right to water must be an integral part of any policy, programme or strategy concerning water. Individuals and groups should be given full and equal access to information concerning water, water services and the environment, held by public authorities or third parties.

49. The national water strategy and plan of action should also be based on the principles of accountability, transparency and independence of the judiciary, since good governance is essential to the effective implementation of all human rights, including the realization of the right to water. In order to create a favourable climate for the realization of the right, States parties should take appropriate steps to ensure that the private business sector and civil society are aware of, and consider the importance of, the right to water in pursuing their activities.

50. States parties may find it advantageous to adopt framework legislation to operationalize their right to water strategy. Such legislation should include: (*a*) targets or goals to be attained and the time frame for their achievement; (*b*) the means by which the purpose could be achieved; (*c*) the intended collaboration with civil society, private sector and international organizations; (*d*) institutional responsibility for the process; (*e*) national mechanisms for its monitoring; and (*f*) remedies and recourse procedures.

51. Steps should be taken to ensure there is sufficient coordination between the national ministries, regional and local authorities in order to reconcile water-related policies. Where implementation of the right to water has been delegated to regional or local authorities, the State party still retains the responsibility to comply with its Covenant obligations, and therefore should ensure that these authorities have at their disposal sufficient resources to maintain and extend the necessary water services and facilities. The States parties must further ensure that such authorities do not deny access to services on a discriminatory basis.

52. States parties are obliged to monitor effectively the realization of the right to water. In monitoring progress towards the realization of the right to water, States parties should identify the factors and difficulties affecting implementation of their obligations.

Indicators and benchmarks

53. To assist the monitoring process, right to water indicators should be identified in the national water strategies or plans of action. The indicators should be designed to monitor, at the national and international levels, the State party's obligations under article 11, paragraph 1, and article 12. Indicators should address the different components of adequate water (such as sufficiency, safety and acceptability, affordability and physical accessibility), be disaggregated by the prohibited grounds of discrimination, and cover all persons residing in the State party's territorial jurisdiction or under their control. States parties may obtain guidance on appropriate indicators from the ongoing work of WHO, the Food and Agriculture Organization of the

United Nations (FAO), the United Nations Human Settlements Programme (UN-Habitat), the International Labour Organization (ILO), the United Nations Children's Fund (UNICEF), the United Nations Environment Programme (UNEP), the United Nations Development Programme (UNDP) and the Commission on Human Rights.

54. Having identified appropriate right to water indicators, States parties are invited to set appropriate national benchmarks in relation to each indicator.[w] During the periodic reporting procedure, the Committee will engage in a process of "scoping" with the State party. Scoping involves the joint consideration by the State party and the Committee of the indicators and national benchmarks which will then provide the targets to be achieved during the next reporting period. In the following five years, the State party will use these national benchmarks to help monitor its implementation of the right to water. Thereafter, in the subsequent reporting process, the State party and the Committee will consider whether or not the benchmarks have been reached, and the reasons for any difficulties that may have been encountered (see para. 58 of the Committee's general comment no. 14 (2000)). Further, when setting benchmarks and preparing their reports, States parties should utilize the extensive information and advisory services of specialized agencies with regard to data collection and disaggregation.

Remedies and accountability

55. Any persons or groups who have been denied their right to water should have access to effective judicial or other appropriate remedies at both national and international levels (see para. 4 of general comment no. 9 (1998) on domestic application of the Covenant, and principle 10 of the Rio Declaration on Environment and Development[x]). The Committee notes that the right has been constitutionally entrenched by a number of States and has been subject to litigation before national courts. All victims of violations of the right to water should be entitled to adequate reparation, including restitution, compensation, satisfaction or guarantees of non-repetition. National ombudsmen, human rights commissions, and similar institutions should be permitted to address violations of the right.

56. Before any action that interferes with an individual's right to water is carried out by the State party, or by any other third party, the relevant authorities must ensure that such actions are performed in a manner warranted by law, compatible with the Covenant, and that comprises: (*a*) opportunity for genuine consultation with those affected; (*b*) timely and full disclosure of

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[w] See Eibe Riedel, "New bearings to the State reporting procedure: practical ways to operationalize economic, social and cultural rights - The example of the right to health", *Praxishandbuch UNO*, S. von Schorlerner, ed. (Heidelberg, Springer, 2002), pp. 345-358. The Committee notes, for example, the commitment in the 2002 World Summit on Sustainable Development's Plan of Implementation (footnote *e* above) to halve, by the year 2015, the proportion of people who are unable to reach or to afford safe drinking water (as outlined in the United Nations Millennium Declaration adopted by the General Assembly in its resolution 55/2 of 8 September 2000) and the proportion of people who do not have access to basic sanitation.

[x] See footnote *i* above. Principle 10 states with respect to environmental issues that effective access to judicial and administrative proceedings, including remedy and redress, shall be provided.

information on the proposed measures; (*c*) reasonable notice of proposed actions; (*d*) legal recourse and remedies for those affected; and (*e*) legal assistance for obtaining legal remedies (see also the Committee's general comments no. 4 (1991) and No. 7 (1997) concerning the right to adequate housing (article 11, paragraph 1, of the Covenant)). Where such action is based on a person's failure to pay for water their capacity to pay must be taken into account. Under no circumstances shall an individual be deprived of the minimum essential level of water.

57. The incorporation in the domestic legal order of international instruments recognizing the right to water can significantly enhance the scope and effectiveness of remedial measures and should be encouraged in all cases. Incorporation enables courts to adjudicate violations of the right to water, or at least the core obligations, by direct reference to the Covenant.

58. Judges, adjudicators and members of the legal profession should be encouraged by States parties to pay greater attention to violations of the right to water in the exercise of their functions.

59. States parties should respect, protect, facilitate and promote the work of human rights advocates and other members of civil society with a view to assisting vulnerable or marginalized groups in the realization of their right to water.

E. Obligations of actors other than States parties

60. United Nations agencies and other international organizations concerned with water, such as WHO, FAO, UNICEF, UNEP, UN-Habitat, ILO, UNDP, the International Fund for Agricultural Development (IFAD), as well as international organizations concerned with trade such as the World Trade Organization (WTO), should cooperate effectively with States parties, building on their respective expertise, in relation to the implementation of the right to water at the national level. The international financial institutions, notably IMF and the World Bank, should take into account the right to water in their lending policies, credit agreements, structural adjustment programmes and other development projects (see the Committee's general comment no. 2 (1990) on international technical assistance measures (article 22 of the Covenant)), so that the enjoyment of the right to water is promoted. When examining the reports of States parties and their ability to meet the obligations to realize the right to water, the Committee will consider the effects of the assistance provided by all other actors. The incorporation of human rights law and principles in the programmes and policies by international organizations will greatly facilitate implementation of the right to water. The role of the International Federation of the Red Cross and Red Crescent Societies, International Committee of the Red Cross, the Office of the United Nations High Commissioner for Refugees (UNHCR), WHO and UNICEF, as well as non-governmental organizations and other associations, is of particular importance in relation to disaster relief and humanitarian assistance in times of emergencies. Priority in the provision of aid, distribution and management of water and water facilities should be given to the most vulnerable or marginalized groups of the population.

ANNEX V

Letter dated 24 May 2002 addressed by the Chairperson of the Committee on Economic, Social and Cultural Rights to Mr. Jacques Diouf, Director-General, Food and Agriculture Organization of the United Nations

The Committee on Economic, Social and Cultural Rights would like to take the opportunity of the forthcoming World Food Summit to bring to the attention of the Food and Agriculture Organization of the United Nations (FAO) the work of the Committee in relation to the right to food, as set forth in article 11, paragraph 1, of the International Covenant on Economic, Social and Cultural Rights.

The Committee would like to draw the attention of the World Food Summit to the avowed United Nations aim of mainstreaming human rights in all its activities, including those of the specialized agencies. In line with this aim, the Committee adopted in 1999 its general comment no. 12 on the right to adequate food (article 11 of the Covenant), which should serve as a frame of reference for the plans concerning the adoption of an international code of conduct on the human right to adequate food. The draft code of conduct, as presently circulated, does not even mention the general comment, which, as you know, was drafted in close cooperation with FAO and other specialized agencies, as well as with civil society organizations, such as FIAN-Foodfirst Information and Action Network and the World Alliance for Nutrition as a Human Right. General comment no. 12 (1999) is now frequently referred to, and serves as a basis for relevant questions relating to the right to food in the constructive dialogue with States parties to the Covenant, when examining their initial or periodic reports.

The Committee further draws the attention of the World Food Summit to the fact that another general comment is presently being prepared on the right to water as a parallel human right closely interrelated with the right to adequate food, which the Committee intends to adopt in November 2002, in time for the major world conferences on the right to water in 2003. An initial draft general comment will be circulated in the next few weeks, inviting comments from FAO, the World Health Organization (WHO) and other specialized agencies. The Committee intends to organize a half day general discussion on that topic at its twenty-ninth session in November 2002, and would warmly welcome the participation of FAO.

(*Signed*): Virginia Bonoan-Dandan
Chairperson
Committee on Economic, Social
and Cultural Rights

ANNEX VI

Statement of the Committee on Economic, Social and Cultural Rights to the Commission on Sustainable Development acting as the Preparatory Committee for the World Summit on Sustainable Development (Bali, Indonesia, 27 May to 7 June 2002)*

1. The Committee on Economic, Social and Cultural Rights, in its task of monitoring compliance by States parties with their obligations under the International Covenant on Economic, Social and Cultural Rights, has gained considerable experience in understanding the impact of international cooperation at the national level. The Committee therefore affirms its view that States must uphold the human rights commitments adopted in the Rio Declaration on Environment and Development,[a] the Habitat Agenda[b] and other specialized and complementary efforts in international cooperation. It is therefore necessary to ensure the inclusion of references to human rights in the final documents of the World Summit on Sustainable Development to be held in Johannesburg, South Africa, from 26 August to 4 September 2002.

2. The international commitments on human rights and on sustainable development should be considered in the light of their important points of convergence, and of the legally binding nature of human rights obligations. The Committee calls upon States participating in the World Summit to ensure that positions and commitments taken at the Preparatory Committee for the World Summit and at the World Summit in Johannesburg are consistent with those of prior international agreements on human rights, development and environmental protection. The Committee notes that, at this time, the draft World Summit documents do not contain any reference to relevant human rights standards and commitments. The Committee views this omission as a regressive course that must be corrected before the World Summit.

3. In its review of State parties' reports, the Committee observes with concern the overall decline in living conditions, particularly in connection with pressures of globalization and the shrinking role of the State, as more and more social services are turned over to non-State entities which have no comparable commitment to the progressive realization of economic, social and cultural rights, nor to the protection of the environment. The Committee has observed, for example, that the right to health is violated by "the failure to enact or enforce laws to prevent the

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* Adopted at the twenty-eighth session (27th meeting) of the Committee, 17 May 2002.

[a] *Report of the United Nations Conference on Environment and Development, Rio de Janeiro, 3-14 June 1992* (A/CONF.151/26/Rev.1 (vol. I and vol. I/Corr.1, vol. II and vol. III/Corr.1)) (United Nations publication, Sales No. E.93.I.8 and corrigenda), vol. I: *Resolutions adopted by the Conference*, resolution 1, annex I.

[b] *Report of the United Nations Conference on Human Settlements (Habitat II), Istanbul, 3-14 June 1996* (United Nations publication, Sales No. E.97.IV.6), chap. I, resolution 1, annex II.

pollution of water, air and soil by extractive and manufacturing industries".[c] Such a situation, involving acts and/or omissions by the State and by non-State entities within the State's purview, affect sustainable development and also constitutes a breach of treaty obligations under the Covenant. These negative developments are detrimental to sustainable development, the objectives of which will not be realized if human rights commitments continue to be eroded, and particularly if they are marginalized at the World Summit and in its follow-up.

4. Upholding and invoking relevant international human rights instruments in general, and the Covenant in particular, will provide a solid legal basis for international cooperation and a sense of duty to demonstrate the seriousness of the efforts of the World Summit. The alternative may also be true - that the failure of Governments to place human rights at the centre of converging efforts to achieve sustainable development will undermine the gains of historical experience codified in international law.

5. The Committee welcomes the opportunity to collaborate with States as active partners towards the realization of all the rights set forth in the Covenant. The Committee trusts that States, along with other entities involved in the promotion and protection of human rights, will ensure that the World Summit will forge an agreement and final document that reaffirm legal standards and commitments which have already been adopted. The primary objective for all of us should be to live up to existing human rights standards and to build upon them toward a better world and a sustainable future for ourselves and future generations.

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[c] See the Committee's general comment no. 14 (2000) on the right to the highest attainable standard of health (art. 12 of the Covenant) (*Official Records of the Economic and Social Council, 2001, Supplement No. 2*) (E/2001/22-E/C.12/2000/21), annex IV, paragraph 51.

ANNEX VII

The Millennium Development Goals and economic, social and cultural rights

A joint statement by the Committee on Economic, Social and Cultural Rights and the Special Rapporteurs on economic, social and cultural rights of the Commission on Human Rights*

1. The United Nations Millennium Declaration, adopted by the General Assembly in its resolution 55/2 of 8 September 2000, sets the United Nations agenda for peace, security and development concerns in the twenty-first century, including in the areas of the environment, human rights and governance. The General Assembly called upon the entire United Nations system to assist Member States in the implementation of this Declaration.[a] In order to guide the United Nations system in this task, the Secretary-General prepared a "road map" towards the implementation of the United Nations Millennium Declaration, including Millennium Development Goals and related human rights goals.[b]

2. Recently, during the presentation of his first annual progress report on implementing the Millennium Declaration,[c] the Secretary-General warned that prospects for reaching the Millennium Development Goals under current trends are uncertain, with marked differences between and within regions. He also stressed that insufficient progress was being made in meeting the broader objectives of the Millennium Declaration, such as human rights, democracy and good governance.

3. The chances for reaching the Millennium Development Goals will improve if all United Nations agencies and Governments adopt a comprehensive human rights approach to realizing the Goals, including in the formulation of the corresponding indicators.

4. The Committee on Economic, Social and Cultural Rights and the Special Rapporteurs on economic, social and cultural rights of the Commission on Human Rights believe that human rights, including economic, social and cultural rights, help to realize any strategy to meet the Millennium Development Goals, for example by:

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* Adopted at the twenty-ninth session (56th meeting) of the Committee, 29 November 2002.

[a] See also Commission on Human Rights resolution 2002/69 of 25 April 2002 (paras. 5 and 6).

[b] See General Assembly resolution 56/95 of 14 December 2001. The "road map", which is set out in a report of the Secretary-General (A/56/326), contains a list of goals for each chapter of the Declaration, including eight development goals and six human rights goals (see appendix below).

[c] A/57/270 and Corr.1.

(*a*) Providing a compelling normative framework, underpinned by universally recognized human values and reinforced by legal obligations, for the formulation of national and international development policies towards achieving the Goals;

(*b*) Raising the level of empowerment and participation of individuals;

(*c*) Affirming the accountability of various stakeholders, including international organizations and non-governmental organizations, donors and transnational corporations vis-à-vis people affected by problems related to poverty, hunger, education, gender inequality, health, housing and safe drinking water; and

(*d*) Reinforcing the twin principles of global equity and shared responsibility which are the very foundation for the Millennium Declaration.

5. Economic, social and cultural rights provide principles and operational strategies to address the problems which are at the centre of the development goals: poverty, hunger, slum-dwelling, lack of education, gender inequality and disempowerment of women, child mortality, maternal ill-health, HIV/AIDS and other communicable diseases, the need for environmental sustainability, including safe drinking water. These rights should be the criteria when establishing tools for measuring progress towards the achievement of the Millennium Development Goals. The concepts of progressive realization and resource availability enshrined in the International Covenant on Economic, Social and Cultural Rights are important guidelines of any strategy which aims at reaching the Goals.[d]

6. It is therefore manifest that, within their respective mandates, the Committee and the Special Rapporteurs on economic, social and cultural rights of the Commission contribute to United Nations monitoring of the implementation of the Millennium Declaration and the Millennium Development Goals. The Committee and the Special Rapporteurs welcome the recognition by the Commission of "the need for effective implementation and fulfilment of internationally agreed targets contained in [...] the Millennium Declaration".[a] They hope that the Commission will give attention to the Millennium Declaration's Goals, as set out in the "road map", in its relevant Special Rapporteur mandates.

7. By proclaiming their adherence to the Covenant, States have agreed to establish systems of analysis and monitoring to assist them in implementing their human rights obligations. One hundred and forty-five countries are now legally bound by the Covenant and report to the Committee on a regular basis. The reporting process is undertaken as a face-to-face

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[d] *The Draft Guidelines: A Human Rights Approach to Poverty Reduction Strategies* (www.unhchr.ch/development/poverty.html) prepared by the Office of the United Nations High Commissioner for Human Rights, following a request of the Committee (see *Official Records of the Economic and Social Council, 2002, Supplement No. 2* (E/2002/22-E/C.12/2001/17), annex IX), illustrate the inextricable link between the realization of human rights and the implementation of the Millennium Development Goals.

"constructive dialogue" between the Committee and States parties. The task of the Committee is to assess the achievements of the reporting State as well as to offer guidance on the implementation of its treaty commitments. In its dialogue with States, the Committee develops operational approaches. For example, it seeks information about whether the State has developed a short-term and medium-term plan to improve the health and living standards of the poorest, and about progress made in the control of endemic diseases, especially in the poorest areas of the country. The Committee seeks expert advice from specialized agencies in defining appropriate indicators and will then discuss the appropriate national benchmarks, which may vary according to respective country strategies.[e]

8. The Committee also offers guidance on the interpretation and implementation of specific rights through its general comments on, for example health, education, housing, and food and water. The Covenant and other human rights treaties, such as the Convention on the Elimination of All Forms of Discrimination against Women, the Convention on the Rights of the Child and the International Convention on the Elimination of All Forms of Racial Discrimination, prohibit discrimination on the basis of gender or other grounds. Progress in this area is also reviewed in the reporting system.

9. In parallel with the treaty system, the Commission has developed its own special reporting procedures, including the appointment of independent experts and special rapporteurs with mandates to collect and analyse information. Many of these mandates establish the link between human rights and development, including those on education, food, adequate housing, health, environmental protection and on wider issues such as the right to development, human rights and extreme poverty, and structural adjustment programmes.

10. Relevant special rapporteurs and independent experts monitor progress towards the realization of economic, social and cultural rights through country visits, normative and conceptual work - and its operationalization through relevant indicators - and consultations with development practitioners, including the international financial institutions, the United Nations system, the donor community and civil society. The special rapporteurs and experts analyse obstacles in their annual reports to the Commission.

11. The Committee and the Special Rapporteurs of the Commission consider, therefore, that their mandates-related activities need to be integrated into the ongoing work of the United Nations for implementing the Millennium Development Goals, including the Millennium Project and the Millennium Campaign coordinated by the United Nations Development Programme (UNDP).

12. All relevant actors, including Governments and United Nations specialized agencies, in their work on the Millennium Development Goals, should ensure that the definition of indicators and the setting of benchmarks is consistent with the existing and voluntarily accepted obligations of States under the international human rights instruments.

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[e] This dialogue makes possible a more active involvement of the specialized agencies and the international financial institutions in defining indicators and providing measurable criteria of progress in the enjoyment of these human rights.

13. One hundred and forty-seven Heads of States and Governments - representatives of 190 nations in total - committed themselves in the United Nations Millennium Declaration to the realization of human rights, the promotion of sustained development and the elimination of extreme poverty. The Committee and the Special Rapporteurs on economic, social and cultural rights of the Commission strongly believe that the two sets of commitments are interdependent and mutually reinforcing.

14. The Committee and the Special Rapporteurs welcome the current United Nations effort to put into effect the Millennium Development Goals. They stand ready to assist and contribute to this process through the respective functions of our mandates.

Appendix

The Millennium human rights goals

Goal 1: To respect and fully uphold the Universal Declaration of Human Rights and strive for the full protection and promotion in all countries of civil, political, economic, social and cultural rights for all;

Goal 2: To strengthen the capacity of all our countries to implement the principles and practices of democracy and human rights, including minority rights;

Goal 3: To combat all forms of violence against women and to implement the Convention on the Elimination of All Forms of Discrimination against Women;

Goal 4: To take measures to ensure respect for and the protection of the human rights of migrants, migrant workers and their families, to eliminate the increasing acts of racism and xenophobia in many societies, and to promote greater harmony and tolerance in all societies;

Goal 5: To work collectively for more inclusive political processes, allowing genuine participation by all citizens in all our countries;

Goal 6: To ensure the freedom of the media to perform their essential role and the right of the public to have access to information.

The Millennium Development Goals

Goal 1: To eradicate extreme poverty and hunger;

Goal 2: To achieve universal primary education;

Goal 3: To promote gender equality and empower women;

Goal 4: To reduce child mortality;

Goal 5: To improve maternal health;

Goal 6: To combat HIV/AIDS, malaria and other diseases;

Goal 7: To ensure environmental sustainability;

Goal 8: To develop a global partnership for development.

ANNEX VIII

List of general comments adopted by the Committee on Economic, Social and Cultural Rights

The general comments adopted to date by the Committee appear in the following relevant reports:*

No. 1 (1989): on reporting by States parties (third session; E/1989/22-E/C.12/1989/5, annex III);

No. 2 (1990): on international technical assistance measures (art. 22 of the Covenant) (fourth session; E/1990/23-E/C.12/1990/3 and Corr.1, annex III);

No. 3 (1990): on the nature of States parties' obligations (art. 2, para. 1, of the Covenant) (fifth session; E/1991/23-E/C.12/1990/8 and Corr.1, annex III);

No. 4 (1991): on the right to adequate housing (art. 11, para. 1, of the Covenant) (sixth session; E/1992/23-E/C.12/1991/4, annex III);

No. 5 (1994): on persons with disabilities (eleventh session; E/1995/22-E/C.12/1994/20 and Corr.1 , annex IV);

No. 6 (1995): on the economic, social and cultural rights of older persons (thirteenth session; E/1996/22-E/C.12/1995/18, annex IV);

No. 7 (1997): on the right to adequate housing (art. 11, para. 1, of the Covenant): forced evictions (sixteenth session; E/1998/22-E/C.12/1997/10, annex IV);

No. 8 (1997): on the relationship between economic sanctions and respect for economic, social and cultural rights (seventeenth session; E/1998/22-E/C.12/1997/10, annex V);

No. 9 (1998): on domestic application of the Covenant (eighteenth session; E/1999/22-E/C.12/1998/26, annex IV);

No. 10 (1998): on the role of national human rights institutions in the protection of economic, social and cultural rights (nineteenth session; E/1999/22-E/C.12/1998/26, annex V);

No. 11 (1999): on plans of action for primary education (art. 14 of the Covenant) (twentieth session; E/2000/22-E/C.12/1999/11 and Corr.1, annex IV);

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* Published as *Official Records of the Economic and Social Council.*

No. 12 (1999): on the right to adequate food (art. 11 of the Covenant) (twentieth session; E/2000/22-E/C.12/1999/11 and Corr.1, annex V);

No. 13 (1999): on the right to education (art. 13 of the Covenant) (twenty-first session; E/2000/22-E/C.12/1999/11 and Corr.1, annex VI);

No. 14 (2000): on the right to the highest attainable standard of health (art. 12 of the Covenant) (twenty-second session; E/2001/22-E/C.12/2000/22, annex IV);

No. 15 (2002): on the right to water (arts. 11 and 12 of the Covenant) (twenty-ninth session; E/2003/22-E/C.12/2002/13, annex IV).

ANNEX IX

List of statements adopted by the Committee on Economic, Social and Cultural Rights

The statements and recommendations, adopted by the Committee to date appear in its relevant reports:*

1. Preparatory activities relating to the World Conference on Human Rights: recommendations to the Preparatory Committee for the World Conference (sixth session; E/1992/23-E/C.12/1991/4, chap. IX);

2. Statement to the World Conference on Human Rights on behalf of the Committee (seventh session; E/1993/22-E/C.12/1992/2, annex III);

3. The World Summit for Social Development and the International Covenant on Economic, Social and Cultural Rights: Statement of the Committee (tenth session; E/1995/22-E/C.12/1994/20 and Corr.1, annex V);

4. Economic, social and cultural rights in the context of the World Summit for Social Development: Statement of the Committee (eleventh session; E/1995/22-E/C.12/1994/20 and Corr.1, annex VI);

5. Fourth World Conference on Women: Action for Equality, Development and Peace - Statement by the Committee (twelfth session; E/1996/22-E/C.12/1995/18, annex VI);

6. United Nations Conference on Human Settlements (Habitat II); Statement of the Committee (thirteenth session; E/1996/22-E/C.12/1995/18, annex VIII);

7. Globalization and its impact on the enjoyment of economic, social and cultural rights (eighteenth session; E/1999/22-E/C.12/1998/26; chap. VI, sect. A, para. 515);

8. Statement of the Committee to the Third Ministerial Conference of the World Trade Organization (twenty-first session; E/2000/22-E/C.12/1999/11 and Corr.1, annex VII);

9. Statement of the Committee to the Convention to draft a Charter of Fundamental Rights of the European Union (twenty-second session; E/2001/22-E/C.12/2000/21, annex VIII);

10. Poverty and the International Covenant on Economic, Social and Cultural Rights: Statement of the Committee to the Third United Nations Conference on the Least Developed Countries (twenty-fifth session; E/2002/22-E/C.12/2001/17, annex VII);

11. Statement of the Committee to the special session of the General Assembly for an overall review and appraisal of the implementation of the decisions taken at the United Nations Conference on Human Settlements (Habitat II) (New York, 6 to 8 June 2001) (twenty-fifth session; E/2002/22-E/C.12/2001/17, annex XI);

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* Published as *Official Records of the Economic and Social Council.*

12. Statement of the Committee to the International Consultative Conference on School Education in Relation to Freedom of Religion and Belief, Tolerance and Non-Discrimination (twenty-seventh session; E/2002/22-E/C.12/2001/17, annex XII);

13. Statement of the Committee on human rights and intellectual property (twenty-seventh session; E/2002/22-E/C.12/2001/17, annex XIII);

14. Statement of the Committee to the Commission on Sustainable Development acting as the Preparatory Committee for the World Summit for Sustainable Development (Bali, Indonesia, 27 May-7 June 2002) (twenty-eighth session; E/2003/22-E/C.12/2002/13, annex VI);

15. The Millennium Development Goals and economic, social and cultural rights: joint statement by the Committee and the Special Rapporteurs on economic, social and cultural rights of the Commission on Human Rights (twenty-ninth session; E/2003/22-E/C.12/2002/13, annex VII).

ANNEX X

Days of general discussion held by the Committee on Economic, Social and Cultural Rights

The following issues have been the focus of discussion:

1. The right to food (third session, 1989);
2. The right to housing (fourth session, 1990);
3. Economic and social indicators (sixth session, 1991);
4. The right to take part in cultural life (seventh session, 1992);
5. The rights of the ageing and elderly (eighth session, 1993);
6. The right to health (ninth session, 1993);
7. The role of social safety nets (tenth session, 1994);
8. Human rights education and public information activities (eleventh session, 1994);
9. The interpretation and practical application of the obligations incumbent on States parties (twelfth session, 1995);
10. A draft optional protocol to the Covenant (thirteenth session, 1995, and fourteenth and fifteenth sessions, 1996);
11. Revision of the general guidelines for reporting (sixteenth session, 1997);
12. The normative content of the right to food (seventeenth session, 1997);
13. Globalization and its impact on the enjoyment of economic, social and cultural rights (eighteenth session, 1998);
14. The right to education (nineteenth session, 1998);
15. The right of everyone to benefit from the protection of the moral and material interests resulting from any scientific, literary or artistic production of which he is the author (twenty-fourth session, 2000);
16. International consultation on economic, social and cultural rights in development activities of international institutions, organized in cooperation with the High Council for International Cooperation (France) (twenty-fifth session, 2001);
17. Equal right of men and women to the enjoyment of economic, social and cultural rights (art. 3 of the Covenant) (twenty-eighth session, 2002).

ANNEX XI

A. List of States parties' delegations which participated in the consideration of their respective reports by the Committee on Economic, Social and Cultural Rights at its twenty-eighth session

CZECH REPUBLIC

Representative:

Mr. Miroslav Fuchs
Deputy Minister of Labour and
Social Affairs
Head of Delegation

Advisers:

Mr. Alexander Slaby
Ambassador
Permanent Representative of the
Czech Republic to the United Nations Office
at Geneva

Ms. Andrea Barsova
Deputy Director
Department for Human Rights Office of the
Government

Mr. Pavel Cink
Director
Department for European Integration and
International Relations of the
Ministry of Education, Youth and Sport

Ms. Daniela Grabmullerova
Director
Department of Housing Policy at the
Ministry for Regional Development

Ms. Ivana Schellongova
Legal Expert of the Human Rights Department
of the Ministry of Foreign Affairs
Permanent Mission of the Czech Republic to
the United Nations Office at Geneva

Mr. Vit Schorm
Ministry of Justice

Ms. Hana Snajdrova
Ministry of the Interior

		Ms. Alena Šteflová Ministry of Health
		Ms. Renata Romanová Ministry of Culture
IRELAND	*Representative*:	Ms. Sylda Langfold Department of Justice, Equality and Law Reform Head of Delegation
	Advisers:	Ms. Mary Whelan Alternate Head of Delegation Permanent Mission of Ireland to the United Nations Office at Geneva
		Mr. John Rowan Department of Foreign Affairs
		Mr. Eamonn MacAodha Permanent Mission of Ireland to the United Nations Office at Geneva
		Mr. Mark Griffin Department of Environment and Local Government
		Ms. Anne O'Mahony Department of Education and Science
		Mr. Sean O'Fhloinn Department of Education and Science
		Mr. John Fanning Department of Education and Science
		Mr. Billy Jestin Department of Enterprise, Trade and Employment
		Ms. Frances Fletcher Department of Health and Children
		Ms. Liz Canavan Department of Health and Children

Ms. Anne Doyle
Department of Justice, Equality and Law Reform

Mr. David Costello
Department of Justice, Equality and Law Reform

Ms. Stephanie O'Donnell
Department of Justice, Equality and Law Reform

Mr. Willie O'Dwyer
Department of Justice, Equality and Law Reform

Mr. Gerry Mangan
Department of Social, Community and Family Affairs

Ms. Sharon Daly
Department of Social, Community and Family Affairs

Ms. Christine O'Rourke
Office of the Attorney-General

Ms. Margaret Cordial
Office of the Attorney-General

Ms. Joan O'Flynn
Combat Poverty Agency

Ms. Imelda Devaney
Permanent Mission of Ireland to the United Nations Office in Geneva

BENIN

Representative:

Mr. Joseph H. Gnonlonfoun
Minister of Justice
Ministry of Justice, Legislation and Human Rights

Advisers:

Mr. Aristide Odounharo
Director of Human Rights
Ministry of Justice, Legislation and Human Rights

		Ms. Marie-Sabine d'Almeida Vieyra Director of Social Development and the Family, Social Protection and Solidarity
		Ms. Grace Théodora Adonon-Hessou Director of Labour, L'Ouémé Departement
		Mr. Eloi Laourou Second Counsellor
		Ms. Rosemonde Adjanonhoun Attachée Permanent Mission of Benin to the Office of the United Nations at Geneva
		M. Bienvenue Accrombessi Second Secretary Permanent Mission of Benin to the Office of the United Nations at Geneva
UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND	*Representative*:	Mr. Paul Fifoot Foreign and Commonwealth Office Head of Delegation
	Advisers:	Mr. Henry Steele Overseas Territories Consultant Foreign and Commonwealth Office
		Mr. Mark Pethick Human Rights Policy Department Foreign and Commonwealth Office
		Ms. Susan Dickson Legal Adviser Foreign and Commonwealth Office
		Mr. Howard Roberts Solicitor General Guernsey
		Mr. David Robilliard Advisory and Finance Committee Guernsey

Ms. Nisha Bismillah
International Relations/Policy Officer
Jersey

Mr. J. F. Kissack
Chief Secretary
Isle of Man

Ms. Luelle Todd
Ministry of Health and Family Services
Bermuda

Ms. Medita Wheatley
Secretary-General
National Commission
British Virgin Islands

Mr. Roy Bodden
Minister for Education,
Human Resources and Culture
Cayman Islands

Mr. Elijah Silcott
Labour Officer
Montserrat

Ms. Fiona Kilpatrick
Joint International Unit
Department for Work and Pensions

Ms. Katie Driver
Divisional Manager for the School
Inclusion Division
Department for Education and Skills

Ms. Susan McCrory
Legal Adviser
Permanent Mission of the United Kingdom of
Great Britain and Northern Ireland to the
United Nations Office at Geneva

Mr. Paul Bentall
Human Rights Section
Permanent Mission of the United Kingdom of
Great Britain and Northern Ireland to the
United Nations Office at Geneva

		Mr. Bob Last Human Rights Section Permanent Mission of the United Kingdom of Great Britain and Northern Ireland to the United Nations Office at Geneva
		Mr. Edward Inglett Human Rights Section Permanent Mission of the United Kingdom of Great Britain and Northern Ireland to the United Nations Office at Geneva
TRINIDAD AND TOBAGO	*Representatives*:	Ms. Mary-Ann Richards Chargée d'Affaires a.i. Deputy Permanent Representative Permanent Mission of Trinidad and Tobago to the United Nations Office at Geneva
	Advisers:	Ms. Debbie Sirjusingh Director Human Rights Unit Ministry of the Attorney-General
		Ms. Lauren Boodhoo First Secretary Permanent Mission of Trinidad and Tobago to the United Nations Office at Geneva
		Ms. Shelley-Ann Clarke-Hinds First Secretary Permanent Mission of Trinidad and Tobago to the United Nations Office at Geneva

B. List of States parties' delegations which participated in the consideration of their respective reports by the Committee on Economic, Social and Cultural Rights at its twenty-ninth session

SLOVAKIA	*Representative*:	M. Kálmán Petöcz Ambassador Extraordinary and Plenipotentiary Permanent Mission of Slovakia to the United Nations Office at Geneva
	Advisers:	Ms. Barbara Illková Counsellor Permanent Mission of Slovakia to the United Nations Office at Geneva

M. Igore Niepel
Secretary of the Delegation
Department of Human Rights
Ministry of Foreign Affairs

M. Peter Gurán
General Director of the Social Policy Section
Ministry of Labour, Social Affairs and the Family

M. Kamil Vilinovic
General Director of the Section for European Integration and International Cooperation
Ministry of the Environment

M. Milan Olexa
General Director of the Social Statistics and Demography Section
Statistics Office

M. Jaroslav Liptay
Assistant Director General of the Cultural Heritage Section
Ministry of Culture

Mr. Peter Mikus
Director of the Department of Analysis
Presidium of the Police Corps

Ms. Katarína Ondrásova
Director of the Department of National Education
Ministry of Education

Ms. Nad'a Miklovicová
Office of the Government Plenipotentiary for the Roma Minority
Bureau of the Government

M. Juraj Gémes
Ministry of Health

M. Marietta Sencáková
Criminal Law Section
Ministry of Justice

POLAND

Representative:

Ms. Krystyna Tokarska-Biernacik
Under-Secretary of State at the Ministry of
Labour and Social Policy

Advisers:

Mr. Krzysztof Jakubowski
Ambassador
Permanent Representative of Poland to the
United Nations Office at Geneva

Ms. Krystyna Zurek
Counsellor
Permanent Mission of Poland to the
United Nations Office at Geneva

Ms. Jolanta Lozinska
Director
Office of the Government Plenipotentiary
for Equal Gender Status

Ms. Ewa Kapilewicz
Senior Expert
Office of the Government Plenipotentiary
for Equal Gender Status

Ms. Wieslawa Gorzelana-Galazka
Deputy Director
Ministry of National Education and Sport

Ms. Hanna Jedras
Senior Expert
Department of International Cooperation
Ministry of Culture

Mr. Jerzy Szczerban
Expert
Ministry of Health

Ms. Teresa Guzelf
Director
Department of Social Insurance
Ministry of Labour and Social Policy

Ms. Krystyna Wiaderny-Bidzinska
Director
Department of the European Union and
International Organizations
Ministry of Labour and Social Policy

Ms. Krystyna Wyrwicka
Director
Department of Social Assistance
Ministry of Labour and Social Policy

Ms. Liliana Pindor
Deputy Director
Office of the Government Plenipotentiary
for Disabled Persons

Ms. Elzbieta Szemplinska
Head of Section
Ministry of Labour and Social Policy

Ms. Ewa Rybicka
Senior Expert
Ministry of Labour and Social Policy

Mr. Igor Struminski
Senior Expert
Ministry of Labour and Social Policy

Mr. Tomasz Wach
Senior Expert
Ministry of Labour and Social Policy

GEORGIA

Representative:

Mr. Akaki Zoidze
Deputy State Minister of Georgia

Advisers:

Ms. Rusudan Beridze
Deputy Secretary of the National Security
Council of Georgia on Human Rights Issues

Mr. Amiran Kavadze
Ambassador
Permanent Representative of Georgia to the
United Nations Office at Geneva

Ms. Manoni Khachidze
Deputy Minister of Labour, Health Care and
Social Protection

Mr. Alexander Kavsadze
Consultant
Minister Plenipotentiary
Permanent Mission of Georgia to the
United Nations Office at Geneva

Mr. Alexander Nalbandov
Deputy Head
Office of the Protection of Human Rights
National Security Council of Georgia

ESTONIA

Representative:

Ms. Marina Kaljurand
Deputy Under-Secretary
Ministry of Foreign Affairs

Advisers:

Mr. Clyde Kull
Ambassador
Permanent Representative of Estonia to the
United Nations Office at Geneva

Ms. Mai Hion
Director of Human Rights Division
Ministry of Foreign Affairs

Mr. Rasmus Lumi
Assistant to the Permanent Under-Secretary
Ministry of Foreign Affairs

Ms. Piret Lilleväli
Deputy Secretary-General on Labour
Ministry of Social Affairs

Ms. Merle Malvet
Head of Social Security Department
Ministry of Social Affairs

Mr. Ain Aaviksoo
Acting Head of Public Health Department
Ministry of Social Affairs

Ms. Kirke Kraav
Third Secretary
Permanent Mission of Estonia to the
United Nations Office at Geneva

ANNEX XII

A. List of documents of the Committee at its twenty-eighth session

E/1990/5/Add.47	Initial reports submitted by States parties to the Covenant: Czech Republic
E/1990/5/Add.48	Idem: Benin
E/1990/6/Add.29	Second periodic reports submitted by States parties to the Covenant: Ireland
E/1990/6/Add.30	Idem: Trinidad and Tobago
E/C.12/4/Add.5, 7 and 8	Fourth periodic reports submitted by States parties to the Covenant: United Kingdom of Great Britain and Northern Ireland
E/2002/22-E/C.12/2001/17	Report of the Committee on its twenty-fifth, twenty-sixth and twenty-seventh sessions
E/C.12/1	Concluding observations of the Committee on reports submitted by States parties in accordance with articles 16 and 17 of the Covenant: note by the Secretary-General
E/C.12/1989/L.3/Rev.3	Note by the Secretary-General
E/C.12/1990/4/Rev.1	Rules of procedure of the Committee
E/C.12/1993/3/Rev.4	Status of the International Covenant on Economic, Social and Cultural Rights and reservations, withdrawals, declarations and objections under the Covenant: note by the Secretary-General
E/C.12/2002/1	Provisional agenda and annotations: note by the Secretary-General
E/C.12/2002/2	States parties to the International Covenant on Economic, Social and Cultural Rights and the status of the submission of reports in accordance with the programme established by the Economic and Social Council in its resolution 1988/4 and article 58 of the rules of procedure of the Committee: note by the Secretary-General
E/C.12/2002/3	Follow-up to the consideration of reports under articles 16 and 17 of the Covenant: note by the secretariat

E/C.12/2002/L.1	Draft programme of work: note by the Secretary-General
E/C.12/2002/L.1/Rev.1	Programme of work: note by the Secretary-General
E/C.12/2002/SA/1	Note by the Secretary-General: twenty-ninth report of the International Labour Organization
E/C.12/2002/SA/2	Document submitted by UNESCO: "The constitutional provisions on the right of education and modernizing/ developing national legislation in keeping with the State obligation/government responsibility under the Dakar Framework for Action"
E/C.12/2002/SA/3	Document submitted by UNESCO: "Preparation, implementation and evaluation of the national action plans as provided for in the Dakar Framework for Action and their relation with the general comments on articles 13 and 14 of the International Covenant on Economic, Social and Cultural Rights"
E/C.12/2002/SA/4	Document submitted by UNESCO: "Preparation of UNESCO's monitoring report on the implementation of the Dakar Framework for Action and possible contribution by the Committee in developing conceptual framework"
E/C.12/2002/4	Background paper submitted by Ms. Ingrid Westendorp, lecturer in law at the University of Maastricht (the Netherlands): "Women's right to adequate housing"
E/C.12/2002/5	Background paper submitted by Ms. Marsha A. Freeman, Director, International Women's Rights Action Watch (United States of America): "Equality and rights: article 3 of the International Covenant on Economic, Social and Cultural Rights"
E/C.12/2002/6	Background paper submitted by Ms. Leilani Farha, Programme Manager, Women's Housing and Poverty and staff lawyer, Centre for Equality Rights in Accommodation (Toronto, Canada): "Re/conceiving the human right to housing"
E/C.12/2002/7	Background paper submitted by the Center for Reproductive Law and Policy (United States of America): "Equal enjoyment of the right to health"

E/C.12/2002/8	Background paper submitted by Ms. Krisztina Morvai, Associate Professor of Law, Eötvös Loránd University School of Law and Head of Women's Rights and Children's Rights Research and Training Center, Budapest (Hungary): "Domestic violence - an 'equal rights issue'; a history and analysis of Economic and Social Council and other United Nations documents on the prevention of and response to violence against women in the family"
E/C.12/Q/CZE/1	List of issues: Czech Republic
E/C.12/Q/BEN/1	Idem: Benin
E/C.12/Q/IRE/2	Idem: Ireland
E/C.12/Q/T&T/1	Idem: Trinidad and Tobago
E/C.12/Q/UK/2	Idem: United Kingdom of Great Britain and Northern Ireland
E/C.12/1/Add.76	Concluding observations of the Committee: Czech Republic
E/C.12/1/Add.77	Idem: Ireland
E/C.12/1/Add.78	Idem: Benin
E/C.12/1/Add.79	Idem: United Kingdom of Great Britain and Northern Ireland
E/C.12/1/Add.80	Idem: Trinidad and Tobago
E/C.12/2002/SR.1-27 and E/C.12/2002/ SR.1-27/Corrigendum	Summary records of the twenty-eighth session (1st to 27th meetings) of the Committee

B. List of documents of the Committee at its twenty-ninth session

E/1990/5/Add.49	Initial reports submitted by States parties to the Covenant: Slovakia
E/1990/5/Add.50	Idem: Solomon Islands
E/1990/5/Add.51	Idem: Estonia
E/1990/6/Add.31	Second periodic reports submitted by States parties to the Covenant: Georgia

E/C.12/4/Add.9	Fourth periodic reports by States parties to the Covenant: Poland
E/2002/22-E/C.12/2001/17	Report of the Committee on its twenty-fifth, twenty-sixth and twenty-seventh sessions
E/C.12/1	Concluding observations of the Committee on reports submitted by States parties in accordance with articles 16 and 17 of the Covenant: note by the Secretary-General
E/C.12/1989/L.3/Rev.3	Note by the Secretary-General
E/C.12/1990/4/Rev.1	Rules of procedure of the Committee
E/C.12/1993/3/Rev.4	Status of the International Covenant on Economic, Social and Cultural Rights and reservations, withdrawals, declarations and objections under the Covenant: note by the Secretary-General
E/C.12/2002/3	Follow-up to the consideration of reports under articles 16 and 17 of the Covenant: note by the secretariat
E/C.12/2002/9	Provisional agenda and annotations: note by the Secretary-General
E/C.12/2002/10	States parties to the International Covenant on Economic, Social and Cultural Rights and the status of the submission of reports in accordance with the programme established by the Economic and Social Council in its resolution 1988/4 and article 58 of the rules of procedure of the Committee: note by the Secretary-General
E/C.12/2002/11	General comment no. 15 (2002): on the right to water (arts. 11 and 12 of the Covenant)
E/C.12/2002/SA/5	Note by the Secretary-General: thirtieth report of the International Labour Organization
E/C.12/2002/L.2/Rev.1	Programme of work: note by the Secretary-General
E/C.12/Q/EST/1	List of issues: Estonia
E/C.12/Q/GEO/2	Idem: Georgia
E/C.12/Q/POL/2	Idem: Poland
E/C.12/Q/SLO/1	Idem : Slovakia

E/C.12/Q/POL/2	Idem: Poland
E/C.12/Q/SLO/1	Idem : Slovakia
E/C.12/Q/SOL/1	Idem: Solomon Islands
E/C.12/1/Add. 81	Concluding observations of the Committee: Slovakia
E/C.12/1/Add. 82	Idem: Poland
E/C.12/1/Add. 83	Idem: Georgia
E/C.12/1/Add. 84	Idem: Solomon Islands
E/C.12/1/Add. 85	Idem: Estonia
E/C.12/2002/SR.28-56 and E/C.12/2002/SR.28-56/ Corrigendum	Summary records of the twenty-ninth session (28th to 56th meetings) of the Committee

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